

House Bill 276

By: Representatives Harrell of the 106th, Maxwell of the 17th, Powell of the 32nd, and Martin of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,
2 so as to modernize certain terms, repeal certain obsolete provisions, and remove or correct
3 certain inconsistent references; to define and change certain definitions applicable to
4 alcoholic beverages; to consolidate and revise certain provisions related to occupational
5 license taxes; to change certain provisions relating to promulgation of rules and regulations
6 governing advertising of distilled spirits and other alcoholic beverages; to repeal certain
7 provisions relating to certain forms and filings applicable to licenses or taxes; to change
8 certain provisions relating to dispensing, serving, or selling alcoholic beverages to or taking
9 orders for alcoholic beverages from persons under 18 years of age; to change certain
10 provisions relating to the sale or furnishing of alcoholic beverages to patients or inmates of
11 Central State Hospital and to the sale or possession of alcoholic beverages near or upon the
12 grounds of such hospital; to repeal certain provisions relating to retail dealer's signs and signs
13 advertising the Georgia lottery; to change certain provisions relating to the production of
14 malt beverages in private residences, consumption, transportation and delivery, and
15 home-brew special events; to change certain provisions relating to required markings on
16 certain containers of malt beverages; to change certain provisions applicable to brewpub
17 licenses; to change certain provisions relating to annual permits for educational and
18 promotional brewery tours; to change certain provisions relating to the household production
19 of wine; to provide for the taxes to be levied and imposed upon fermented apple beverages
20 to be the same as for malt beverages; to amend Code Section 51-1-40 of the Official Code
21 of Georgia Annotated, relating to liability for acts of intoxicated persons, so as to make a
22 cross-reference consistent; to amend Code Section 52-7-8.3 of the Official Code of Georgia
23 Annotated, relating to operation of watercraft, identification, and operation by minors, so as
24 to make a cross-reference consistent; to provide for related matters; to repeal conflicting
25 laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 276

27 **SECTION 1.**

28 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
 29 amended by revising Code Section 3-1-2, relating to definitions, as follows:

30 "3-1-2.

31 As used in this title, the term:

32 (1) 'Alcohol' means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from
 33 whatever source or by whatever process produced.

34 (2) 'Alcoholic beverage' means and includes all alcohol, distilled spirits, ~~beer~~, malt
 35 ~~beverage~~ beverages, ~~wine~~ wines, or fortified ~~wine~~ wines.

36 (3) 'Beer' means any malt beverage.

37 (4) 'Brewer' means any person engaged in manufacturing malt beverages.

38 (5) 'Brewery' means any licensed premises used for the purpose of manufacturing malt
 39 beverages.

40 ~~(3)(6) 'Brewpub' means any eating dining establishment in which beer or malt beverages~~
 41 ~~are manufactured or brewed, subject to the barrel production limitation prescribed in~~
 42 ~~Code Section 3-5-36, for retail consumption on the premises and solely in draft form. As~~
 43 ~~used in this paragraph, the term 'eating establishment' means an establishment which is~~
 44 ~~licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least~~
 45 ~~50 percent of its total annual gross food and beverage sales from the sale of prepared~~
 46 ~~meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers~~
 47 ~~for distribution to retailers and retail consumption dealers, as authorized pursuant to~~
 48 ~~subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when~~
 49 ~~determining the total annual gross food and beverage sales.~~

50 ~~(4)(7) 'Broker' means any person who~~ that purchases or obtains an alcoholic beverage
 51 from an importer, ~~distillery, brewery~~ distiller, brewer, or ~~winery~~ vintner and sells the
 52 alcoholic beverage to another broker, an importer, or a wholesaler without having custody
 53 of the alcoholic beverage or maintaining a stock of the alcoholic beverage.

54 ~~(5)(8) 'Commissioner' means the state revenue commissioner.~~

55 ~~(6)(9) 'County or municipality' or 'municipality or county' means those political~~
 56 ~~subdivisions of this state as defined by law and includes any form of political subdivision~~
 57 ~~consolidating a county with one or more municipalities.~~

58 (10) 'Denaturants' means materials authorized for use pursuant to Chapter I of Title 27
 59 of the Code of Federal Regulations.

60 (11) 'Denatured alcohol' or 'denatured distilled spirits' means alcohol to which
 61 denaturants have been added to render the alcohol unfit for beverage purposes or internal
 62 human medicinal use.

63 ~~(7)(12) 'Department' means the Department of Revenue.~~

64 (13) 'Dessert wine' means a wine having an alcoholic strength of more than 14 percent
 65 alcohol by volume but not more than 24 percent alcohol by volume.

66 (14) 'Dining establishment' means a restaurant which is licensed to sell distilled spirits,
 67 malt beverages, or wines, or a combination thereof, and which derives at least 50 percent
 68 of its total annual gross food and beverage sales from the sale of prepared meals or food;
 69 provided, however, that any barrels of malt beverages sold to licensed wholesalers, as
 70 authorized pursuant to subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall
 71 not be included when determining the total annual gross food and beverage sales.

72 ~~(8)~~(15) 'Distilled spirits' means any alcoholic beverage obtained by distillation or
 73 containing more than 24 percent alcohol by volume.

74 (16) 'Distiller' means any person engaged in distilling, rectifying, or blending any
 75 distilled spirits. The term 'distiller' shall not include a person that blends wine with
 76 distilled spirits to produce a fortified wine.

77 (17) 'Distillery' means any licensed premises used for the purpose of manufacturing
 78 distilled spirits.

79 (18) 'Farm winery' means a vintner that makes at least 40 percent of its annual
 80 production from agricultural produce grown in the state where the vintner's winery is
 81 located and such winery:

82 (A) Is located on premises, a substantial portion of which is used for agricultural
 83 purposes, including the cultivation of grapes, berries, or fruits to be utilized in the
 84 manufacture or production of wine by the vintner; or

85 (B) Is owned and operated by persons that are engaged in the production of a
 86 substantial portion of the agricultural produce used in the vintner's annual production.

87 For purposes of this paragraph, the commissioner shall determine what is a substantial
 88 portion of such premises or agricultural produce.

89 (19) 'Fermented apple beverage' means any alcoholic beverage containing not more than
 90 6 percent alcohol by volume made from the fermentation of the juice of apples.

91 ~~(9)~~(20) 'Fortified wine' means any alcoholic beverage containing not more than 24
 92 percent alcohol by volume made from fruits, berries, or grapes either by natural
 93 fermentation or by natural fermentation with brandy added. The term 'fortified wine'
 94 includes, but is not limited to, brandy.

95 (21) 'Fruit grower' means any person that grows perishable fruits in this state and
 96 manufactures distilled spirits from such perishable fruits.

97 ~~(10)~~(22) 'Gallon' or 'wine gallon' means a United States gallon of liquid measure
 98 equivalent to the volume of 231 cubic inches or the nearest equivalent metric
 99 measurement.

100 ~~(10.1) 'Hard cider' means an alcoholic beverage obtained by the fermentation of the juice~~
 101 ~~of apples, containing not more than 6 percent alcohol by volume, including, but not~~
 102 ~~limited to flavored or carbonated cider. For purposes of this title, hard cider shall be~~
 103 ~~deemed a malt beverage. The term does not include 'sweet cider.'~~

104 (23) 'Georgia farm winery' means a farm winery that is licensed by the commissioner to
 105 manufacture wine in this state.

106 ~~(11)~~(24) 'Importer' means any person who that:

107 (A) Imports ~~imports~~ an alcoholic beverage into this state from a foreign country;

108 (B) Sells such ~~and sells the~~ alcoholic beverage to another importer, a broker, or a
 109 wholesaler; and

110 (C) Maintains ~~who maintains~~ a stock of the such alcoholic beverage.

111 ~~(12) 'Individual' means a natural person.~~

112 (25) 'Keg' means any brewer-sealed container or barrel containing, by liquid volume,
 113 more than two gallons of malt beverage.

114 (26) 'Liquor' means any distilled spirits.

115 ~~(13)~~(27) 'Malt beverage' means any alcoholic beverage obtained by the fermentation of
 116 any infusion or decoction of barley, malt, hops, yeast, or any other similar product, or any
 117 combination of such products in water, containing not more than 14 percent alcohol by
 118 volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer.
 119 The term ~~does~~ 'malt beverage' shall not include sake, known as Japanese rice wine.

120 ~~(14)~~(28) 'Manufacturer' means any maker, producer, or bottler of an alcoholic beverage.
 121 The term 'manufacturer' also means:

122 (A) In the case of distilled spirits, any ~~person engaged in distilling, rectifying, or~~
 123 ~~blending any distilled spirits; provided, however, that a vintner that blends wine with~~
 124 ~~distilled spirits to produce a fortified wine shall not be considered a manufacturer of~~
 125 ~~distilled spirits~~ distiller;

126 (B) In the case of malt beverages, any brewer; and

127 (C) In the case of wine, any vintner.

128 ~~(15)~~(29) 'Military reservation' means a duly commissioned post, camp, base, or station
 129 of a branch of the armed forces of the United States located on territory within this state
 130 which has been ceded to the United States.

131 (30) 'Nonprofit museum' means a museum whose mission includes educating the public
 132 about the local, state, and national history of the United States and that is owned and
 133 operated by a bona fide nonprofit civic organization which holds title to improved real
 134 property with a structure listed on the National Register of Historic Places.

135 ~~(16)~~(31) 'Package' means a bottle, can, keg, barrel, or other original consumer container.

136 ~~(17)~~(32) 'Person' means any individual, firm, partnership, cooperative, nonprofit
 137 membership corporation, joint venture, association, company, corporation, agency,
 138 syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination
 139 acting as a unit, body politic, or political subdivision, whether public, private, or
 140 quasi-public.

141 (33) 'Proper identification' means any document issued by a governmental agency
 142 containing a description of an individual or an individual's photograph, or both, and
 143 giving such individual's date of birth and includes, without being limited to, a passport,
 144 military identification card, driver's license, or identification card authorized under Code
 145 Sections 40-5-100 through 40-5-104. The term 'proper identification' shall not include
 146 a birth certificate and any traffic citation and complaint form.

147 ~~(18)~~(34) ~~'Retail consumption dealer'~~ 'Retail on premise liquor dealer' means any person
 148 ~~who sells that:~~

149 (A) Sells distilled spirits for consumption on the premises at retail only to consumers
 150 and not for resale; or

151 (B)(i) Sells distilled spirits for consumption on the premises at retail only to
 152 consumers and not for resale; and

153 (ii) Sells either malt beverages or wine, or both.

154 ~~(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells~~
 155 ~~alcoholic beverages, either in unbroken packages or for consumption on the premises, at~~
 156 ~~retail only to consumers and not for resale. With respect to distilled spirits, the term shall~~
 157 ~~have the same meaning as the term 'retail package liquor store.'~~

158 ~~(19.1)~~(35) ~~'Retail package liquor store dealer'~~ means ~~a retail business establishment~~
 159 ~~owned by an individual, partnership, corporation, association, or other business entity~~ any
 160 person that:

161 (A)(i) Sells distilled spirits in unbroken packages at retail only to consumers and not
 162 for resale; or

163 (ii)(I) Sells distilled spirits in unbroken packages at retail only to consumers and
 164 not for resale; and

165 (II) Sells either malt beverages or wine, or both, in unbroken packages at retail only
 166 to consumers and not for resale; and

167 ~~(A)(B) Primarily Is primarily engaged in the retail sale of distilled spirits, malt~~
 168 ~~beverages, and wine in unbroken packages, not for consumption on the premises,~~
 169 ~~except as authorized under this chapter; and~~

170 ~~(B) Which derives from such retail sale of alcoholic beverages in unbroken packages~~
 171 such that at least 75 percent of its the total annual gross sales are derived from the sale
 172 of a combination of distilled spirits, malt beverages, and wine alcoholic beverages.

- 173 (36) 'Retail wine-malt beverage dealer' means any person that:
 174 (A) Sells either malt beverages or wine, or both, either in unbroken packages or for
 175 consumption on the premises, or both, at retail only to consumers and not for resale;
 176 and
 177 (B) Does not sell distilled spirits.
- 178 ~~(20)~~(37) 'Shipper' means any person who that ships an alcoholic beverage from outside
 179 this state.
- 180 ~~(21)~~(38) 'Standard case' means:
 181 (A) In relation to wine or distilled spirits, six containers of 1.75 liters, 12 containers of
 182 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers
 183 of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters;
 184 and
 185 (B) In relation to malt beverages, a box or receptacle containing not more than 288
 186 ounces.
- 187 (39) 'Table wine' means wine having an alcoholic strength of not more than 14 percent
 188 alcohol by volume.
- 189 ~~(22)~~(40) 'Taxpayer' means any person made liable by law to file a return or to pay tax.
- 190 (41) 'Vintner' means any person engaged in the manufacturing of wine.
- 191 ~~(23)~~(42) 'Wholesaler' or 'wholesale dealer' means any person who that sells alcoholic
 192 beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers
 193 retail wine-malt beverage dealers, retail on premise liquor dealers, retail package liquor
 194 store dealers, or other wholesalers.
- 195 ~~(24)~~(43)(A) 'Wine' means any alcoholic beverage containing not more than 24 percent
 196 alcohol by volume made from fruits, berries, or grapes either by natural fermentation
 197 or by natural fermentation with brandy added or made from honey. The term includes,
 198 but is not limited to, all sparkling wines, champagnes, combinations of such beverages,
 199 vermouths, special natural wines, rectified wines, and like products. The term does
 200 'wine' shall not include cooking wine mixed with salt or other ingredients so as to
 201 render it unfit for human consumption as a beverage.
- 202 (B) A liquid shall first be deemed to be a wine at that point in the manufacturing
 203 process when it conforms to the definition of wine the term 'wine' contained in this
 204 Code section subparagraph (A) of this paragraph.
- 205 (44) 'Winery' means any licensed premises used for the purposes of manufacturing wine."

206 **SECTION 2.**

207 Said title is further amended by revising Code Section 3-1-3, relating to existing forms and
 208 filings, as follows:

209 "3-1-3.
 210 Every form of license or tax document or other license or tax related filing lawfully in use
 211 immediately prior to July 1, 1981, may continue to be so used or be effective until the
 212 commissioner, in accordance with this title, otherwise prescribes. Reserved."

213 **SECTION 3.**

214 Said title is further amended by revising Code Section 3-1-5, relating to posting of warning
 215 by retailer that consumption of alcohol during pregnancy is dangerous, as follows:

- 216 "3-1-5.
 217 (a) All ~~retail consumption dealers and retail dealers~~ retail on premise liquor dealers and
 218 retail wine-malt beverage dealers in this state ~~who that~~ sell at retail any alcoholic beverages
 219 for consumption on the premises shall post, in a conspicuous place, a sign which clearly
 220 reads: 'Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.'
 221 (b) The department shall make such warning signs available to such ~~retailers of alcoholic~~
 222 beverages retail on premise liquor dealers and retail wine-malt beverage dealers and shall
 223 promulgate rules and regulations with respect to the form and the posting of ~~said~~ such
 224 signs. A fee may be charged by the department to cover printing, postage, and handling
 225 expenses.
 226 (c) Any person ~~who that~~ fails or refuses to post the sign as required in this Code section
 227 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount
 228 not to exceed \$100.00 for each violation."

229 **SECTION 4.**

230 Said title is further amended by adding a new Code section to read as follows:

231 "3-2-5.1.

232 (a) Annual occupational license taxes are imposed as follows:

233 (1) In the case of distilled spirits, upon each:

234	<u>(A) Distiller</u>	<u>\$ 1,000.00</u>
235	<u>(B) Distiller that is a fruit grower</u>	<u>500.00</u>
236	<u>(C) Distiller that is a nonprofit museum</u>	<u>100.00</u>
237	<u>(D) Wholesaler</u>	<u>1,000.00</u>
238	<u>(E) Importer</u>	<u>1,000.00</u>
239	<u>(F) Broker</u>	<u>100.00</u>
240	<u>(G) Retail package liquor dealer:</u>	
241	<u>(i) For distilled spirits only</u>	<u>100.00</u>
242	<u>(ii) For distilled spirits and malt beverages</u>	<u>150.00</u>

243	<u>(iii) For distilled spirits and wine</u>	<u>150.00</u>
244	<u>(iv) For distilled spirits, malt beverages, and wine</u>	<u>200.00</u>
245	<u>(H) Retail on premise liquor dealer:</u>	
246	<u>(i) For distilled spirits only</u>	<u>100.00</u>
247	<u>(ii) For distilled spirits and malt beverages</u>	<u>150.00</u>
248	<u>(iii) For distilled spirits and wine</u>	<u>150.00</u>
249	<u>(iv) For distilled spirits, malt beverages, and wine</u>	<u>200.00</u>
250	<u>(2) In the case of malt beverages, upon each:</u>	
251	<u>(A) Brewer</u>	<u>\$ 1,000.00</u>
252	<u>(B) Dining establishment that is a brewpub</u>	<u>1,000.00</u>
253	<u>(C) Wholesaler</u>	<u>500.00</u>
254	<u>(D) Importer</u>	<u>500.00</u>
255	<u>(E) Broker</u>	<u>50.00</u>
256	<u>(F) Retail wine-malt beverage dealer:</u>	
257	<u>(i) For malt beverages only</u>	<u>50.00</u>
258	<u>(ii) For malt beverages and wine</u>	<u>100.00</u>
259	<u>(3) In the case of wines, upon each:</u>	
260	<u>(A) Vintner</u>	<u>\$ 1,000.00</u>
261	<u>(B) Farm winery</u>	<u>50.00</u>
262	<u>(C) Georgia farm winery</u>	<u>50.00</u>
263	<u>(D) Wholesaler</u>	<u>500.00</u>
264	<u>(E) Importer</u>	<u>500.00</u>
265	<u>(F) Broker</u>	<u>50.00</u>
266	<u>(G) Retail wine-malt beverage dealer:</u>	
267	<u>(i) For wine only</u>	<u>50.00</u>
268	<u>(ii) For wine and malt beverages</u>	<u>100.00</u>
269	<u>(H) Special order shipping applicant</u>	<u>50.00</u>
270	<u>(b) An annual occupational license tax shall be paid by each applicant for each place of</u>	
271	<u>business operated.</u>	
272	<u>(c)(1) Except as provided in paragraph (2) of this subsection, an application for a license</u>	
273	<u>required pursuant to this title along with the payment of the tax required by subsection</u>	
274	<u>(a) of this Code section shall be submitted to the department immediately upon assuming</u>	

275 control of the place of business and annually thereafter for so long as the business is
 276 operated.

277 (2) An application for a special order shipping license shall be submitted to the
 278 department along with the payment of the tax required by subsection (a) of this Code
 279 section and with each new application upon the expiration of such license."

280 **SECTION 5.**

281 Said title is further amended by revising Code Section 3-2-6, relating to establishment and
 282 operation of reporting system for collection of taxes on malt beverages, distilled spirits, and
 283 wines and applicability to reporting system of provisions of law relating to revenue stamps,
 284 as follows:

285 "3-2-6.

286 (a) ~~With respect to malt beverages and wine, the~~ The commissioner shall provide, ~~and with~~
 287 ~~respect to distilled spirits, the commissioner may provide,~~ by regulation rules and
 288 regulations, that the taxes on malt beverages, wine, and distilled spirits shall be collected
 289 by a reporting system.

290 (b) Pursuant to the establishment of a reporting system authorized by subsection (a) of this
 291 Code section, the commissioner may promulgate rules and regulations which shall include,
 292 but shall not be limited to, provisions for:

293 (1) Records to be made and kept;

294 (2) Penalties to be assessed for failure to comply with the reporting system;

295 (3) Bonds or other security to be posted with the commissioner; and

296 (4) Other matters relative to the administration and enforcement of collecting the tax
 297 under the reporting system.

298 ~~(c) In the event the commissioner prescribes a reporting system for collection of taxes~~
 299 ~~imposed on distilled spirits by this title, all of the laws applicable to revenue stamps shall~~
 300 ~~apply to the reporting system.~~

301 ~~(d)~~(c) There is established a reporting system for the collection of state excise taxes
 302 imposed by this title on all taxable wine. The reporting system shall be conducted as
 303 follows:

304 (1) Every licensed ~~wholesale dealer~~ wholesaler, importer, and broker located within this
 305 state shall file a monthly report with the commissioner, on forms prescribed by the
 306 commissioner, setting forth ~~his~~ such person's taxable wine sales for the month and shall
 307 remit with the report the appropriate excise taxes on the wine. The reports and
 308 remittances shall be filed with the commissioner not later than the fifteenth day of the
 309 month next following the month of sale; and

310 (2) Every licensed manufacturer, ~~winery, producer~~ vintner, shipper, importer, and broker
 311 shipping wines or causing wines to be shipped into ~~the~~ this state shall file a monthly
 312 report with the commissioner, on forms prescribed by the commissioner, which shall set
 313 forth the total quantity of wines shipped into ~~the~~ this state during the month and which
 314 shall have attached to it legible copies of all invoices covering the shipments. The
 315 monthly reports shall be filed with the commissioner not later than the fifteenth day of
 316 the month next following the month of shipment."

317 SECTION 6.

318 Said title is further amended by revising subsection (a) of Code Section 3-2-7, relating to
 319 expiration and renewal of licenses generally, continuation of operations by licensee pending
 320 final approval or disapproval of application for renewal, penalty for late application for
 321 renewal, and temporary permits, as follows:

322 "(a)(1) Except as otherwise specifically provided in paragraph (2) of this subsection or
 323 elsewhere in this title, all licenses issued pursuant to this title shall expire on
 324 December 31 of each year and application for renewal shall be made annually on or
 325 before November 1.

326 (2) ~~On and after July 1, 2013, licenses for retailers and retail dealers~~ Licenses for retail
 327 wine-malt beverage dealers, retail on premise liquor dealers, and retail package liquor
 328 dealers shall be issued for a 12 month period to be determined by the commissioner and
 329 provided by ~~regulation~~ rules and regulations. Applications for renewal of licenses for
 330 ~~retailers and retail dealers~~ retail wine-malt beverage dealers, retail on premise liquor
 331 dealers, and retail package liquor dealers shall be made not less than 60 nor more than 90
 332 days prior to expiration."

333 SECTION 7.

334 Said title is further amended by revising Code Section 3-2-11, relating to penalties for failure
 335 to file reports or returns or to pay tax or fee and procedure for assessment of taxes due,
 336 penalties, and interest, as follows:

337 "3-2-11.

338 Except as otherwise provided in this title:

339 (1) When any person required to file a report as provided by this title fails to file the
 340 report within the time prescribed, ~~he~~ such person shall be assessed a penalty of \$50.00
 341 for each failure to file;

342 (2) In the event the commissioner determines, upon inspection of the invoices, books,
 343 and records of a licensed ~~wholesale dealer~~ wholesaler or importer or from any other
 344 information obtained by him or her or his or her authorized agents, that the licensed

345 ~~wholesale dealer~~ wholesaler or importer has not paid the proper tax or the proper amount
 346 of taxes, ~~the wholesale dealer~~ such wholesaler or importer shall be assessed for the taxes
 347 due. After assessment, the person assessed shall be provided with notice and an
 348 opportunity for a hearing as provided for contested cases by Chapter 13 of Title 50, the
 349 'Georgia Administrative Procedure Act';

350 (3) When any person fails to pay any tax or license fee due as provided by this title, ~~the~~
 351 such person shall be assessed a penalty the same as that provided for in Code Section
 352 48-2-44;

353 (4) When any person fails to file a return; or files a false or fraudulent return, or when
 354 a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any
 355 tax imposed or authorized by this title, ~~the~~ such person shall be assessed a specific
 356 penalty of 50 percent of the tax due;

357 (5) When any person fails to pay the tax or any part of the tax due as provided by this
 358 title, ~~the~~ such person shall pay interest on the unpaid tax at the rate of 1 percent per month
 359 from the time the tax became due until paid or at the rate specified in Code Section
 360 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any
 361 portion of a month during which payment is delinquent; and

362 (6) All penalties and interest imposed by this title shall be payable to and collected by
 363 the commissioner in the same manner as if they were a part of the taxes imposed by this
 364 title."

365 **SECTION 8.**

366 Said title is further amended by revising Code Section 3-2-15, relating to promulgation of
 367 rules and regulations governing advertising of distilled spirits, as follows:

368 "3-2-15.

369 The commissioner ~~shall~~ may issue rules and regulations governing ~~all~~ the advertising of
 370 ~~distilled spirits~~ alcoholic beverages within this state."

371 **SECTION 9.**

372 Said title is further amended by revising Code Section 3-3-1, relating to dealings in alcoholic
 373 beverages declared a privilege, as follows:

374 "3-3-1.

375 ~~The businesses of manufacturing, distributing, selling, handling, and otherwise dealing in~~
 376 ~~or possessing alcoholic beverages are declared to be privileges in this state and not rights;~~
 377 ~~however, such privileges shall not be exercised except in accordance with the licensing,~~
 378 ~~regulatory, and revenue requirements of this title.~~

379 As used in this chapter, the term:

380 (1) 'Licensed premises' means any premises in which alcoholic beverages are sold or
 381 dispensed for consumption on the premises and shall include any premises which are
 382 required by law to be licensed to sell or dispense alcoholic beverages for consumption on
 383 the premises.

384 (2) 'Operator' means and includes the owner, license holder, manager, and individual in
 385 charge of any licensed premises."

386 **SECTION 10.**

387 Said title is further amended by adding a new Code section to read as follows:

388 "3-3-1.1.

389 The businesses of manufacturing, distributing, selling, handling, and otherwise dealing in
 390 or possessing alcoholic beverages are declared to be privileges in this state and not rights;
 391 provided, however, that such privileges shall not be exercised except in accordance with
 392 the licensing, regulatory, and revenue requirements of this title."

393 **SECTION 11.**

394 Said title is further amended by revising Code Section 3-3-6, relating to maintenance of
 395 records as to manufacture, purchase, or sale of alcoholic beverages by manufacturers,
 396 importers, or dealers and disposal of records, as follows:

397 "3-3-6.

398 (a) Each manufacturer, importer, ~~wholesale dealer, retail dealer, and retail consumption~~
 399 ~~dealer~~ wholesaler, retail package liquor dealer, retail wine-malt beverage dealer, and retail
 400 on premise liquor dealer shall keep and preserve, as prescribed by the commissioner,
 401 records of all alcoholic beverages manufactured, purchased, or sold by ~~him~~ such person.

402 The records shall be kept for a period of three years from the date of manufacture,
 403 purchase, or sale and shall at all times be open to inspection by the commissioner or any
 404 authorized agent or employee of the commissioner.

405 (b) The commissioner may authorize by ~~rule~~ rules and regulations the disposal of records
 406 maintained pursuant to subsection (a) of this Code section, prior to the expiration of the
 407 specified three-year period, when he or she is satisfied as to ~~their~~ the contents of such
 408 records or otherwise determines that the maintenance of ~~the~~ such records is no longer
 409 necessary."

410 **SECTION 12.**

411 Said title is further amended by revising subsections (p) and (q) of Code Section 3-3-7,
 412 relating to local authorization and regulation of sales of alcoholic beverages on Sunday, as
 413 follows:

414 "(p)(1) Notwithstanding other laws, in each county or municipality in which package
 415 sales of malt beverages and wine by ~~retailers~~ retail wine-malt beverage dealers are lawful,
 416 but package sales of distilled spirits by ~~retailers~~ retail package liquor dealers are not
 417 lawful, the governing authority of the county or municipality, as appropriate, may
 418 authorize package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt
 419 beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such
 420 Sunday sales of both malt beverages and wine are approved by referendum as provided
 421 in paragraph (2) of this subsection.

422 (2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~
 423 of both malt beverages and wine by retail wine-malt beverage dealers on Sundays
 424 between the hours of 12:30 P.M. and 11:30 P.M., pursuant to paragraph (1) of this
 425 subsection, shall so provide by proper resolution or ordinance specifying the hours during
 426 such period when such package sales may occur. Upon receipt of the resolution or
 427 ordinance, the election superintendent shall issue the call for an election for the purpose
 428 of submitting the question of Sunday package sales ~~by retailers~~ of both malt beverages
 429 and wine by retail wine-malt beverage dealers to the electors of that county or
 430 municipality for approval or rejection. The election superintendent shall issue the call
 431 and shall conduct the election on a date and in the manner authorized under Code Section
 432 21-2-540. The election superintendent shall cause the date and purpose of the election
 433 to be published once a week for four weeks immediately preceding the date of the
 434 election in the official organ of the county or, in the case of a municipality, in a
 435 newspaper of general circulation in the municipality. The ballot shall have written or
 436 printed thereon the words:

437 '() YES Shall the governing authority of (name of county or municipality) be
 438 authorized to permit and regulate package sales ~~by retailers~~ of both malt
 439 () NO beverages and wine by retail wine-malt beverage dealers on Sundays
 440 between the hours of 12:30 P.M. and 11:30 P.M.?'

441 All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt
 442 beverages and wine by retail wine-malt beverage dealers on Sundays between the hours
 443 of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,' and all ~~persons~~ individuals desiring to vote
 444 for rejection of package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt
 445 beverage dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote
 446 'No.' If more than one-half of the votes cast on the question are for approval of Sunday
 447 package sales ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage
 448 dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or
 449 ordinance approving such Sunday package sales ~~by retailers~~ of malt beverages and wine
 450 by retail wine-malt beverage dealers shall become effective upon the date so specified in

451 ~~that such~~ resolution or ordinance. The expense of the election shall be borne by the
 452 county or municipality in which the election is held. The election superintendent shall
 453 canvass the returns, declare the result of the election, and certify the result to the
 454 Secretary of State.

455 (3) Whenever package sales of malt beverages and wine on Sundays between the hours
 456 of 12:30 P.M. and 11:30 P.M. are authorized by a county or municipality pursuant to this
 457 subsection, Sunday package sales ~~by retailers~~ of malt beverages and wine by retail
 458 wine-malt beverage dealers may be made only by licensed ~~retailers~~ retail wine-malt
 459 beverage dealers that are licensed to sell by the package.

460 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 461 of any other provisions of this title relative to the sale of malt beverages and wine by
 462 ~~retailers~~ retail wine-malt beverage dealers.

463 (q)(1) Notwithstanding other laws, in each county or municipality in which package sales
 464 of malt beverages, wine, and distilled spirits by ~~retailers~~ retail wine-malt beverage dealers
 465 and retail package liquor dealers are all lawful, the governing authority of the county or
 466 municipality, as appropriate, may authorize package sales ~~by retailers~~ of malt beverages,
 467 wine, and distilled spirits by retail wine-malt beverage dealers and retail package liquor
 468 dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such Sunday
 469 sales of malt beverages, wine, and distilled spirits are approved by referendum as
 470 provided in paragraph (2) of this subsection. If the governing authority seeks
 471 authorization for Sunday sales of alcoholic beverages pursuant to this subsection, the
 472 governing authority shall seek authorization ~~of~~ for Sunday package sales by ~~retailers~~
 473 retail wine-malt beverage dealers and retail package liquor dealers of all alcoholic
 474 beverages, including malt beverages, wine, and distilled spirits, and not of only one type
 475 of alcoholic beverage.

476 (2) Any governing authority desiring to permit and regulate package sales ~~by retailers~~
 477 of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and
 478 retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30
 479 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution
 480 or ordinance specifying the hours during such period when such package sales may occur.
 481 Upon receipt of the resolution or ordinance, the election superintendent shall issue the
 482 call for an election for the purpose of submitting the question of Sunday package sales
 483 ~~by retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage
 484 dealers and retail package liquor dealers to the electors of that county or municipality for
 485 approval or rejection. The election superintendent shall issue the call and shall conduct
 486 the election on a date and in the manner authorized under Code Section 21-2-540. The
 487 election superintendent shall cause the date and purpose of the election to be published

488 once a week for four weeks immediately preceding the date of the election in the official
 489 organ of the county or, in the case of a municipality, in a newspaper of general circulation
 490 in the municipality. The ballot shall have written or printed thereon the words:

491 '() YES Shall the governing authority of (name of county or municipality) be
 492 authorized to permit and regulate package sales ~~by retailers~~ of malt
 493 () NO beverages, wine, and distilled spirits by retail wine-malt beverage dealers
 494 and retail package liquor dealers on Sundays between the hours of 12:30
 495 P.M. and 11:30 P.M.?'

496 All ~~persons~~ individuals desiring to vote for approval of package sales ~~by retailers~~ of malt
 497 beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail
 498 package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall
 499 vote 'Yes,' and all ~~persons~~ individuals desiring to vote for rejection of package sales ~~by~~
 500 ~~retailers~~ of malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers
 501 and retail package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30
 502 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for
 503 approval of Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled
 504 spirits by retail wine-malt beverage dealers and retail package liquor dealers on Sundays
 505 between the hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving
 506 such Sunday package sales ~~by retailers~~ of malt beverages, wine, and distilled spirits by
 507 retail wine-malt beverage dealers and retail package liquor dealers shall become effective
 508 upon the date so specified in ~~that~~ such resolution or ordinance. If more than one-half of
 509 the votes cast on the question are for disapproval of Sunday package sales ~~by retailers~~ of
 510 malt beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail
 511 package liquor dealers on Sundays between the hours of 12:30 P.M. and 11:30 P.M., such
 512 rejection shall not nullify the prior election results for approval of Sunday package sales
 513 ~~by retailers~~ of malt beverages and wine by retail wine-malt beverage dealers on Sundays
 514 between the hours of 12:30 P.M. and 11:30 P.M. pursuant to subsection (p) of this Code
 515 section. The expense of the election shall be borne by the county or municipality in
 516 which the election is held. The election superintendent shall canvass the returns, declare
 517 the result of the election, and certify the result to the Secretary of State.

518 (3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays
 519 between the hours of 12:30 P.M. and 11:30 P.M. are authorized by a county or
 520 municipality pursuant to this subsection, Sunday package sales ~~by retailers~~ of malt
 521 beverages, wine, and distilled spirits by retail wine-malt beverage dealers and retail
 522 package liquor dealers may be made only by licensed ~~retailers~~ retail wine-malt beverage
 523 dealers and retail package liquor dealers that are licensed to sell by the package.

524 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
 525 of any other provisions of this title relative to the sale of alcoholic beverages by ~~retailers~~
 526 retail wine-malt beverage dealers and retail package liquor dealers."

527

SECTION 13.

528 Said title is further amended by revising subsections (d) and (i) of Code Section 3-3-23,
 529 relating to furnishing to, purchase of, or possession by persons under 21 years of age of
 530 alcoholic beverages; use of false identification; proper identification; dispensing, serving,
 531 selling, or handling by persons under 21 years of age in the course of employment; seller's
 532 actions upon receiving false identification; and immunity for seeking medical assistance for
 533 alcohol related overdose, as follows:

534 "(d) The prohibition contained in paragraph (1) of subsection (a) of this Code section shall
 535 not apply with respect to the sale of alcoholic beverages by a person when such person has
 536 been furnished with proper identification showing that the ~~person~~ individual to whom the
 537 alcoholic beverage is sold is 21 years of age or older. ~~For purposes of this subsection, the~~
 538 ~~term 'proper identification' means any document issued by a governmental agency~~
 539 ~~containing a description of the person, such person's photograph, or both, and giving such~~
 540 ~~person's date of birth and includes, without being limited to, a passport, military~~
 541 ~~identification card, driver's license, or an identification card authorized under Code~~
 542 ~~Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth~~
 543 ~~certificate and shall not include any traffic citation and complaint form."~~

544 "(i) Any ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt
 545 beverage dealer, or retail on premise liquor dealer, or any person acting on behalf of such
 546 ~~retailer or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage
 547 dealer, or retail on premise liquor dealer, ~~who~~ that upon requesting proper identification
 548 from a ~~person~~ an individual attempting to purchase alcoholic beverages from such ~~retailer~~
 549 ~~or retail consumption dealer~~ retail package liquor dealer, retail wine-malt beverage dealer,
 550 or retail on premise liquor dealer pursuant to subsection (h) of this Code section is tendered
 551 a driver's license which indicates that such driver's license is falsified; or is not the driver's
 552 license of the ~~person~~ individual presenting it, or that such ~~person~~ individual is under the age
 553 of 21 years, the person to whom ~~said~~ such license is tendered shall be authorized to either
 554 write down the name, address, and license number or to seize and retain such driver's
 555 license and in either event shall immediately thereafter summon a law enforcement officer
 556 who shall be authorized to seize the license either at the scene or at such time as the license
 557 can be located. The procedures and rules connected with the retention of such license by
 558 the officer shall be the same as those provided for the acceptance of a driver's license as
 559 bail on arrest for traffic offenses pursuant to Code Section 17-6-11."

560 **SECTION 14.**

561 Said title is further amended by revising Code Section 3-3-24, relating to dispensing, serving,
 562 selling, or taking orders for alcoholic beverages by persons under 18 years of age, as follows:
 563 "3-3-24.

564 (a) No person shall allow or require a ~~person~~ an individual in ~~his~~ such person's
 565 employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic
 566 beverages.

567 (b) This Code section shall not prohibit ~~persons~~ individuals under 18 years of age who are
 568 employed ~~in supermarkets, convenience stores, breweries, or drugstores~~ by a retail
 569 wine-malt beverage dealer that is not licensed for the same premises as a retail on premise
 570 liquor dealer or a retail package liquor dealer from selling or handling alcoholic beverages
 571 which are sold for consumption off the premises."

572 **SECTION 15.**

573 Said title is further amended by revising Code Section 3-3-24.2, relating to the posting of
 574 laws concerning sales to underage persons, contents of notice, and punitive action against
 575 violators, as follows:

576 "3-3-24.2.

577 (a) Each retail business establishment in this state which is licensed to sell alcoholic
 578 beverages of any kind shall post in a conspicuous place or places a notice which shall
 579 contain the provisions of the laws of this state which deal with the unlawful sale of such
 580 ~~items~~ alcoholic beverages to underage ~~persons~~ individuals and the penalties for violating
 581 such laws.

582 (b) The department shall ~~prepare, print, and distribute~~ make available the notices required
 583 by subsection (a) of this Code section. The notices shall contain those provisions of the
 584 ~~law~~ laws of this state which the department determines will best inform the citizens of this
 585 state of the relevant provisions of the ~~law~~ laws of this state regarding sale of alcoholic
 586 beverages to underage ~~persons~~ individuals.

587 (c) The commissioner may take punitive action against violators, up to and including
 588 revocation of the state ~~retail dealer's~~ license to sell alcoholic beverages of any retail
 589 business establishment which fails to comply with this Code section. The undertaking of
 590 any punitive action allowed under this Code section shall not prohibit criminal prosecution
 591 for sale to underage ~~persons~~ individuals."

592 **SECTION 16.**

593 Said title is further amended by revising Code Section 3-3-25, relating to furnishing alcoholic
 594 beverages to prisoners or inmates of places of confinement, possession on grounds or within
 595 200 yards of certain buildings prohibited, and exceptions, as follows:

596 "3-3-25.

597 (a) No person knowingly and intentionally shall:

598 (1) Offer for sale, sell, barter, exchange, give, provide, or furnish alcoholic beverages to:

599 ~~(A) Any~~ any person confined in any jail, penal institution, correctional facility, or other
 600 lawful place of confinement; or

601 ~~(B) Any person who is a patient or lawful inmate of the Central State Hospital;~~

602 ~~(2) Offer for sale any alcoholic beverages within 200 yards of any building of the Central
 603 State Hospital which was in existence on July 1, 1977; or~~

604 ~~(3)~~(2) Introduce or possess any alcoholic beverages upon the grounds of the Central State
 605 Hospital or in the buildings of the Georgia War Veterans Home operated for the use and
 606 care of disabled war veterans.

607 (b) Nothing contained in this Code section shall prevent or prohibit:

608 (1) The administration of alcohol by the staff of the ~~above-mentioned~~ institutions
 609 provided for in subsection (a) of this Code section to any prisoner, patient, or lawful
 610 inmate in strict compliance with the prescription of a licensed physician; or

611 (2) The staff members of ~~the Central State Hospital and the Georgia War Veterans Home~~
 612 who maintain their domicile on the grounds of ~~these institutions~~ such institution from
 613 possessing alcoholic beverages for their own consumption or for that of their families or
 614 persons invited to their homes, except patients or lawful inmates of ~~these institutions~~ such
 615 institution.

616 (c) No person shall knowingly allow any other person to violate this Code section."

617 **SECTION 17.**

618 Said title is further amended by revising Code Section 3-3-26, relating to breaking of a
 619 package on the premises, as follows:

620 "3-3-26.

621 No ~~retail dealer~~ retail package liquor dealer shall knowingly and intentionally allow or
 622 permit the breaking of any package or packages containing alcoholic beverages on the
 623 premises where sold or allow or permit the drinking of the contents of such package or
 624 packages on the premises where sold. ~~This Code section shall not apply with respect to
 625 sales pursuant to a license for consumption on the premises."~~

626 **SECTION 18.**

627 Said title is further amended by revising Code Section 3-3-40, relating to definitions relative
 628 to prohibited conduct on licensed premises, as follows:

629 "3-3-40.

630 ~~As used in this article, the term:~~

631 ~~(1) 'Licensed premises' means any premises in which alcoholic beverages are sold or~~
 632 ~~dispensed for consumption on the premises and shall include any premises which are~~
 633 ~~required by law to be licensed to sell or dispense alcoholic beverages for consumption on~~
 634 ~~the premises.~~

635 ~~(2) 'Operator' means and includes the owner, license holder, operator, manager, and~~
 636 ~~person in charge of any licensed premises Reserved."~~

637 **SECTION 19.**

638 Said title is further amended by revising Code Section 3-4-1, relating to definitions relative
 639 to distilled spirits, as follows:

640 "3-4-1.

641 ~~As used in this chapter, the term:~~

642 ~~(1) 'Denatured alcohol' or 'denatured distilled spirits' means alcohol, as defined in Code~~
 643 ~~Section 3-1-2, to which denaturants have been added in order to render the alcohol unfit~~
 644 ~~for beverage purposes or internal human medicinal use. As used in this paragraph, the~~
 645 ~~term 'denaturants' means materials authorized for use pursuant to Chapter 1 of Title 27~~
 646 ~~of the Code of Federal Regulations, as the same may now or hereafter be amended.~~

647 ~~(2) 'Distiller' means a manufacturer.~~

648 ~~(3) 'Fruit grower' means any person who grows peaches, apples, pears, grapes, or other~~
 649 ~~perishable fruits in this state and who manufactures distilled spirits from the perishable~~
 650 ~~fruits grown in this state Reserved."~~

651 **SECTION 20.**

652 Said title is further amended by revising Code Section 3-4-2, relating to inapplicability of
 653 chapter to ethyl alcohol used for certain purposes, as follows:

654 "3-4-2.

655 (a) This chapter shall not apply to ethyl alcohol intended for use or used for the following
 656 purposes:

657 (1) For scientific, chemical, mechanical, industrial, medicinal, and culinary purposes;

658 (2) For use by those authorized to procure ethyl alcohol tax free, as provided by federal
 659 law;

- 660 (3) In the manufacture of denatured alcohol or denatured distilled spirits produced and
 661 used as provided by federal law;
- 662 (4) In the manufacture of patented, patent, proprietary, medicinal, pharmaceutical,
 663 antiseptic, toilet, scientific, chemical, mechanical, and industrial preparations or products
 664 unfit for beverage purposes; or
- 665 (5) In the manufacture of flavoring extracts and syrups unfit for beverage purposes.
- 666 (b) Nothing contained in subsection (a) of this Code section shall prohibit the
 667 commissioner from promulgating reasonable rules and regulations with regard to ethyl
 668 alcohol intended for use or used for any of the ~~above-mentioned~~ purposes in subsection (a)
 669 of this Code section in order to ensure proper enforcement of this title."

670

SECTION 21.

671 Said title is further amended by repealing Code Section 3-4-3, relating to retail dealer's signs
 672 and signs advertising the Georgia lottery, in its entirety as follows:

673 "~~3-4-3.~~

674 ~~(a) Except as otherwise provided in subsection (b) of this Code section, a licensed retail~~
 675 ~~dealer in distilled spirits may display at the licensee's place of business unilluminated signs,~~
 676 ~~using letters not larger than eight inches in height, flat against the outside of the building,~~
 677 ~~below the roof line, bearing the words 'liquor,' 'beer,' 'wine,' 'champagne,' or any~~
 678 ~~combination thereof, and 'package store' or 'liquor store,' together with the trade name of~~
 679 ~~the retail dealer. In addition to such signs flat against the outside of the building, the retail~~
 680 ~~dealer may display at a location on the tract of property upon which the business is located,~~
 681 ~~but not affixed to the building, one unilluminated sign using letters not larger than eight~~
 682 ~~inches in height bearing the words 'package store' or 'liquor store' and the trade name of the~~
 683 ~~retail dealer. Subject to any more restrictive size limitations contained in the ordinances~~
 684 ~~of the political subdivision in which the place of business is located, a sign not affixed to~~
 685 ~~the building may be no larger than 16 square feet in area.~~

686 ~~(b) Notwithstanding the provisions of subsection (a) of this Code section, the~~
 687 ~~commissioner shall be authorized by rules and regulations to permit licensed retail dealers~~
 688 ~~in distilled spirits to display signs inside and outside their retail establishments which~~
 689 ~~advertise or promote any lottery authorized under Chapter 27 of Title 50, the 'Georgia~~
 690 ~~Lottery for Education Act,' provided that such signs are in compliance with said Chapter~~
 691 ~~27 of Title 50 and the rules and regulations of the board of directors of the Georgia Lottery~~
 692 ~~Corporation."~~

SECTION 22.

693

694 Said title is further amended by revising Code Section 3-4-20, relating to state license tax
695 applicable to distilled spirits, as follows:

696 "3-4-20.

697 ~~(a) An annual occupational license tax is imposed upon each distiller, manufacturer,~~
698 ~~broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state,~~
699 ~~as follows:~~

700	(1) Upon each distiller and manufacturer	\$1,000.00
701	(2) Upon each wholesale dealer	1,000.00
702	(3) Upon each importer	1,000.00
703	(4) Upon each fruit grower	500.00
704	(5) Upon each broker	100.00
705	(6) Upon each retail dealer	100.00
706	(7) Upon each special event use permit applicant	100.00

707 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~
708 ~~An application for the applicable license required pursuant to this title along with the~~
709 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~
710 ~~department immediately upon assuming control of the place of business and annually~~
711 ~~thereafter for so long as the business is operated Reserved."~~

SECTION 23.

712

713 Said title is further amended by revising Code Section 3-4-21, relating to person not to be
714 issued more than two retail dealer licenses, as follows:

715 "3-4-21.

716 (a) No person shall be issued more than two ~~retail dealer~~ retail package liquor dealer
717 licenses, nor shall any person be permitted to have a beneficial interest in more than two
718 ~~retail dealer~~ retail package liquor dealer licenses issued under this chapter, regardless of the
719 degree of such interest.

720 (b) For purposes of this Code section:

721 (1) The term 'person' shall include all members of a ~~retail dealer~~ retail package liquor
722 dealer licensee's family; and the term 'family' shall include any ~~person~~ individual related
723 to the holder of the license within the first degree of consanguinity and affinity as
724 computed according to the canon law.

725 (2) The beneficiaries of a trust shall be considered to have a beneficial interest in any
726 business forming a part of the trust estate.

727 (c) Nothing contained in this Code section shall prohibit the reissuance of a valid ~~retail~~
728 ~~dealer~~ retail package liquor dealer license if ~~the~~ such license has been:

729 (1) Held prior to the creation of any of the ~~above~~ relationships in subsection (b) of this
730 Code section by marriage; or

731 (2) Held prior to April 3, 1978."

732 **SECTION 24.**

733 Said title is further amended by revising Code Section 3-4-21.1, relating to retail licenses,
734 as follows:

735 "3-4-21.1.

736 (a) A separate ~~retail~~ license for retail on premise liquor dealers and retail package liquor
737 dealers shall be required for each place of business.

738 (b) In cases where a retail ~~licensee~~ package liquor dealer is moving ~~his package sales~~ the
739 business to a different location, ~~he~~ such licensee shall be authorized to make application
740 to have the license for the location previously occupied apply to the new location.
741 Anything contained in Code Section 3-4-21 to the contrary notwithstanding, if ~~the retail~~
742 such licensee complies with all other requirements of law, the commissioner shall authorize
743 the existing license to apply to the new location."

744 **SECTION 25.**

745 Said title is further amended by revising Code Section 3-4-22, relating to the filing of bonds
746 by applicants for licenses, as follows:

747 "3-4-22.

748 (a) All applicants for all licenses issued pursuant to this chapter shall file with the
749 commissioner, along with each initial application, a bond:

750 (1) Conditioned to pay all sums which may become due by the applicant to this state as
751 taxes, license fees, or otherwise; arising out of the operation of the business for which
752 licensure is sought; and

753 (2) Conditioned to pay all penalties which may be imposed upon the applicant for failure
754 to comply with the laws and rules and regulations pertaining to distilled spirits.

755 The surety for the bonds shall be a surety company licensed to do business in this state, and
756 the bonds shall be in such form as may be required by the commissioner and may be for
757 a term of up to five calendar years.

758 (b) The bonds shall be in the following calendar year amounts:

759 (1) For distillers ~~and manufacturers~~, \$10,000.00;

760 (2) For ~~wholesale dealers~~ wholesalers and importers, \$5,000.00; and

761 (3) For ~~retail dealers~~ retail on premise liquor dealers, retail package liquor dealers, and
 762 brokers, \$2,500.00.

763 (c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than
 764 ~~retail licenses~~ for retail on premise liquor dealers and retail package liquor dealers, shall
 765 file an annual bond or have a multiyear bond on file with the department that extends at
 766 least through the end of the calendar year for which renewal is sought. Such bonds shall
 767 meet the same conditions as those filed with the initial application."

768 **SECTION 26.**

769 Said title is further amended by revising Code Section 3-4-23, relating to certificate of
 770 residence of applicant for license required and purpose of section, as follows:

771 "3-4-23.

772 (a) No ~~retail dealer's~~ retail package liquor dealer license shall be issued to any person
 773 unless an application is filed with the commissioner, accompanied by a certificate by the
 774 judge of the probate court of the county of the applicant's residence certifying that the
 775 applicant has been a bona fide resident of the county or municipality for at least 12 months
 776 immediately preceding the application and is a resident of the county or municipality where
 777 distilled spirits may be legally sold under this chapter.

778 (b) It is the purpose and intention of this Code section to prevent the sale of distilled spirits
 779 in any county or municipality other than those where distilled spirits may be legally sold
 780 under this chapter."

781 **SECTION 27.**

782 Said title is further amended by revising Code Section 3-4-24, relating to issuance to fruit
 783 growers of license to manufacture distilled spirits, storage and disposition, limitations upon
 784 manufacture and sale, issuance of manufacturer's or distiller's license in certain counties or
 785 municipalities, educational and promotional tours, and tasting room limitations for certain
 786 licensees, as follows:

787 "3-4-24.

788 (a) The commissioner may issue a license to a fruit grower authorizing ~~the~~ such fruit
 789 grower to manufacture distilled spirits from perishable fruits grown in this state.

790 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section
 791 in any county, municipality, or county area exclusive of certain incorporated areas, as the
 792 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the
 793 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in
 794 a warehouse or warehouses designated by the commissioner to be sold or disposed of under

795 the supervision of the commissioner in states, counties, or municipalities permitting the
796 legal sale of distilled spirits or alcohol.

797 (c) It shall be unlawful for the licensee to sell or dispose of any such distilled spirits or
798 alcohol:

799 (1) In any municipality, county, or unincorporated area of a county in which the sale of
800 distilled spirits or alcohol is prohibited by this chapter; or

801 (2) To any person not holding an importer's, broker's, or wholesaler's license issued
802 pursuant to this chapter or by another state.

803 (d) A ~~manufacturer's~~ or distiller's license may be issued pursuant to this Code section to
804 a fruit grower for the manufacture of distilled spirits in any county or municipality of this
805 state that has approved either the package sale of distilled spirits or the sale of distilled
806 spirits by the drink, or both, as provided in this chapter.

807 (e) A ~~manufacturer~~ or distiller issued a license pursuant to this Code section may provide
808 educational and promotional tours.

809 (f) The commissioner may issue a license pursuant to this Code section to a fruit grower
810 licensed as a farm winery authorizing such fruit grower to manufacture distilled spirits and
811 fortified wines for sale exclusively through a licensed and designated wholesaler; provided,
812 however, that the farm winery has no more than one tasting room located on its licensed
813 premises. For purposes of this subsection, the term 'licensed premises' shall mean the
814 premises for which the farm winery license is issued or property located contiguous to ~~the~~
815 ~~farm winery~~ such premises and owned by the farm winery."

816 **SECTION 28.**

817 Said title is further amended by revising Code Section 3-4-24.1, relating to license to
818 manufacture distilled spirits from agricultural products other than perishable fruits grown in
819 Georgia, as follows:

820 "3-4-24.1.

821 (a) The commissioner may issue a distiller's license authorizing the manufacture of
822 distilled spirits from agricultural products other than perishable fruits grown in this state.

823 (b) If any distilled spirits ~~are~~ or alcohol is manufactured as permitted by this Code section
824 in any county, municipality, or county area exclusive of certain incorporated areas, as the
825 case may be, in which ~~the~~ such distilled spirits ~~are~~ or alcohol is not to be sold under the
826 terms of this chapter, the licensee shall immediately store the distilled spirits or alcohol in
827 a warehouse or warehouses designated by the commissioner to be sold or disposed of under
828 the supervision of the commissioner in states, counties, or municipalities permitting the
829 legal sale of distilled spirits or alcohol.

830 (c) It is unlawful for the licensee to sell or dispose of any such distilled spirits or alcohol:

831 (1) In any municipality, county, or unincorporated area of a county in which the sale of
832 distilled spirits or alcohol is prohibited by this chapter; or

833 (2) To any person not holding an importer's, broker's, or wholesaler's license issued
834 pursuant to this chapter or by another state.

835 (d) A ~~manufacturer's~~ or distiller's license may be issued pursuant to this Code section for
836 the manufacture of distilled spirits from agricultural products other than perishable fruits
837 in any county or municipality of this state that has approved either the package sale of
838 distilled spirits or the sale of distilled spirits by the drink, or both, as provided in this
839 chapter.

840 (e) A ~~manufacturer~~ or distiller issued a license pursuant to this Code section may provide
841 educational and promotional tours."

842 **SECTION 29.**

843 Said title is further amended by revising Code Section 3-4-25, relating to retail dealers to sell
844 only unbroken packages, as follows:

845 "3-4-25.

846 (a) A ~~retail dealer's~~ retail package liquor dealer license shall authorize the holder to sell
847 distilled spirits only in the original and unbroken package or packages, which ~~package or~~
848 ~~packages~~ shall contain not less than 50 milliliters each.

849 (b) ~~The~~ A retail package liquor dealer license shall not permit the breaking of the package
850 or packages on the premises where sold and shall not permit the drinking of the contents
851 of the package or packages on the premises where sold."

852 **SECTION 30.**

853 Said title is further amended by revising Code Section 3-4-26, relating to advertisement of
854 prices and sale at price less than cost, as follows:

855 "3-4-26.

856 ~~(a) No person holding a retail dealer's license to deal in distilled spirits by the package~~
857 ~~shall display any advertisement of or information regarding the price or prices of any~~
858 ~~distilled spirits in any show window or other place visible from outside the licensee's place~~
859 ~~of business.~~

860 ~~(b)~~(a) No person licensed to ~~sell distilled spirits by the package for carry-out purposes~~
861 holding a retail package liquor dealer license shall sell ~~such beverages~~ distilled spirits at
862 a price less than the cost which such ~~licensee~~ person pays for such distilled spirits. As used
863 in this subsection, cost shall include the wholesale price plus the local excise tax imposed,
864 as reflected in invoices which the commissioner ~~of revenue~~ may require to be maintained
865 on ~~said licensee's~~ such person's place of business.

866 ~~(c)~~(b) The commissioner of revenue shall be authorized to adopt such rules and regulations
 867 as he or she deems necessary to provide for exception to the prohibition provided in
 868 subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory,
 869 ~~close-out~~ closeout of brands, outdated products, or any other reason the commissioner may
 870 determine to merit an exception."

871 **SECTION 31.**

872 Said title is further amended by revising Code Section 3-4-27, relating to notice of intention
 873 to secure retail dealer license, as follows:

874 "3-4-27.

875 (a) No application for a ~~retail dealer~~ retail package liquor dealer license for the sale of
 876 distilled spirits shall be acted upon until after the applicant has published in the newspaper
 877 which publishes the legal advertisements of the county wherein such person proposes to
 878 engage in business a notice of ~~his~~ intention to secure a retail package liquor dealer license.
 879 Such notice shall be published at least once during the 30 days immediately preceding the
 880 filing of the application for a license. Such notice shall be in large boldface type and shall
 881 state:

- 882 (1) The type of license for which application has been filed;
- 883 (2) The exact location of the place of business for which a license is sought;
- 884 (3) The names and addresses of each owner of the business; and
- 885 (4) If the applicant is a corporation, the names and titles of all corporate officers.

886 (b) Proof of publication of the notice required by this Code section shall be attached to an
 887 application for a ~~retail dealer~~ retail package liquor dealer license.

888 (c) An applicant for a renewal license shall not be subject to the notice requirements of this
 889 Code section."

890 **SECTION 32.**

891 Said title is further amended by revising Code Section 3-4-49, relating to municipalities and
 892 counties which may adopt regulations and determine location, as follows:

893 "3-4-49.

894 (a) A municipality or county may adopt all reasonable rules and regulations, consistent
 895 with this title, as may fall within the police powers of the municipality or county to regulate
 896 any business described in this chapter; provided, however, that on and after July 1, 1997,
 897 no municipality or county shall authorize the location of a new retail package liquor dealer
 898 licensed place of business or the relocation of an existing retail package liquor dealer
 899 licensed place of business engaged in the retail package sales of distilled spirits within 500
 900 yards of any other business licensed to sell package ~~liquor~~ distilled spirits at retail, as

901 measured by the most direct route of travel on the ground; provided, ~~however~~ further, that
 902 ~~this~~ such limitation shall not apply to any hotel licensed under this chapter. The restriction
 903 provided for in this subsection shall not apply ~~at to~~ any location for which a license has
 904 been issued prior to July 1, 1997, nor to the renewal of such license. ~~Nor shall~~ In addition,
 905 the restriction of this subsection shall not apply to any location for which a new license is
 906 applied ~~for~~ if the sale of distilled spirits was lawful at such location at any time during the
 907 12 months immediately preceding such application.

908 (b) All municipal and county authorities issuing licenses shall within their respective
 909 jurisdictions have authority to determine the location of any distillery, wholesale business,
 910 or retail business licensed by them, not inconsistent with this title."

911 **SECTION 33.**

912 Said title is further amended by revising Code Section 3-4-61, relating to the payment of state
 913 excise taxes by a licensed wholesale dealer in distilled spirits and the report of quantities of
 914 distilled spirits sold for the preceding month, as follows:

915 "3-4-61.

916 (a) Except as may otherwise be authorized in this title, the state excise taxes imposed by
 917 this part shall be paid by the ~~licensed wholesale dealer in~~ wholesaler of distilled spirits.

918 (b) The taxes shall be paid on or before the tenth day of the month following the calendar
 919 month in which the ~~beverages~~ distilled spirits are sold or disposed of within the particular
 920 municipality or county by the ~~wholesale dealer~~ wholesaler.

921 (c) Each licensee responsible for the payment of the excise tax shall file a report itemizing
 922 for the preceding calendar month, by size and type of container, the exact quantities of
 923 distilled spirits sold during the month within ~~the~~ this state. The licensee shall file the report
 924 with the commissioner.

925 (d) The wholesaler shall remit to the commissioner the tax imposed by the state on the
 926 tenth day of the month following the calendar month in which the sales were made.

927 (e) ~~In order to phase in the reporting system of excise tax payment for distilled spirits and~~
 928 ~~alcohol:~~

929 ~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who~~
 930 ~~made excise tax payments in respect of distilled spirits and alcohol sales in the State of~~
 931 ~~Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~
 932 ~~of 25 percent of said tax payments. This one-time advance shall be repaid in full by the~~
 933 ~~state in equal semiannual installments over the period of 24 months following August 1,~~
 934 ~~1993; except that, in the event wholesalers made payments as provided for in this~~
 935 ~~paragraph, the commissioner shall repay such wholesalers in the form of semiannual~~
 936 ~~credits against future tax liability;~~

937 ~~(2) On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~
 938 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~
 939 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~
 940 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~
 941 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~
 942 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~
 943 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~
 944 ~~the 12 month period beginning with the report due on August 10, 1993;~~
 945 ~~(3) Nothing in this subsection shall be construed to impose an additional excise tax on~~
 946 ~~distilled spirits and alcohol held in inventory by wholesalers and retailers above the~~
 947 ~~excise tax paid prior to February 1, 1993; and~~
 948 ~~(4) The commissioner shall adopt rules and regulations for the implementation of a~~
 949 ~~reporting method of paying distilled spirits and alcohol excise taxes as well as the~~
 950 ~~elimination of the use of any type of distilled spirits and alcohol stamp. The commissioner~~
 951 ~~shall have full authority to allow credits or make refunds as provided for in this subsection."~~

952 **SECTION 34.**

953 Said title is further amended by revising Code Section 3-4-90, relating to authorization by
 954 counties or municipalities of issuance of licenses for sale of distilled spirits by the drink
 955 generally and procedure, as follows:

956 "3-4-90.

957 (a) Each county or municipality may authorize, through proper resolution or ordinance,
 958 the issuance of licenses to sell distilled spirits by the drink for consumption only on the
 959 premises where sold; except as provided in Code Section 3-9-11 for in-room service by
 960 hotels, ~~retail consumption dealers~~ retail on premise liquor dealers shall not buy or sell
 961 distilled spirits in packages of 50 milliliters.

962 (b)(1) Except as otherwise provided in this subsection, a county or municipality shall
 963 adopt such resolutions or ordinances only after the authority to do so has been authorized
 964 as provided in either Code Section 3-4-91 or 3-4-92.

965 (2)(A) The governing authority of every county having a population of not less than
 966 50,000 nor more than 53,000 according to the United States decennial census of 1990
 967 or any future such census and the governing authority of every municipality within
 968 every such county, through proper resolution or ordinance, may authorize the issuance
 969 of licenses to sell alcoholic beverages by the drink for consumption only on the
 970 premises where sold. Every such governing authority shall have full power and
 971 authority to adopt all reasonable rules and regulations governing the qualifications and
 972 criteria for the issuance of any such licenses and shall further have the power and

973 authority to promulgate reasonable rules and regulations governing the conduct of any
 974 licensee provided for in this subparagraph, including, but not limited to, the regulation
 975 of hours of business, types of employees, and other matters which may fall within the
 976 police powers of such counties and municipalities. Those persons ~~who~~ that are duly
 977 licensed as wholesalers under this title shall be authorized to sell distilled spirits at
 978 wholesale prices to any person or persons licensed as provided in this subparagraph;
 979 and the person or persons licensed under this subparagraph shall be authorized to
 980 purchase distilled spirits from a licensed wholesaler at wholesale prices.

981 (B) No resolution or ordinance adopted pursuant to subparagraph (A) of this paragraph
 982 shall become effective until the governing authority of the county or municipality
 983 submits to the qualified electors of the county or municipality the question of whether
 984 ~~the~~ such resolution or ordinance ~~or resolution~~ shall be approved or rejected. If in the
 985 election a majority of the electors voting on the question vote for approval, the
 986 resolution or ordinance ~~or resolution~~ shall become effective at such time as is provided
 987 for in ~~the~~ such resolution or ordinance; otherwise, it shall be of no force and effect."

988 **SECTION 35.**

989 Said title is further amended by revising Code Section 3-4-111, relating to sale by
 990 wholesalers to licensees, purchase by licensees from wholesalers, and declaration of
 991 contraband, as follows:

992 "3-4-111.

993 (a) Those persons ~~who~~ that are duly licensed as wholesalers of distilled spirits under this
 994 title may sell distilled spirits at wholesale prices to any person or persons licensed as
 995 provided in this article. Persons licensed under this article may purchase distilled spirits
 996 from a licensed wholesaler at wholesale prices.

997 (b) Any distilled spirits possessed, sold, or offered for sale by a ~~retail dealer or retail~~
 998 ~~consumption dealer~~ retail package liquor dealer or retail on premise liquor dealer which are
 999 purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler
 1000 authorized to do business under this chapter are declared to be contraband and shall be
 1001 seized and disposed of by the commissioner in the manner provided in this title."

1002 **SECTION 36.**

1003 Said title is further amended by repealing Code Section 3-4-111.1, relating to the state license
 1004 tax and the application for retail consumption dealer's license submitted to the Department
 1005 of Revenue, as follows:

1006 ~~"3-4-111.1.~~
 1007 ~~(a) An annual occupational license tax in the amount of \$100.00 is imposed upon each~~
 1008 ~~retail consumption dealer in this state.~~
 1009 ~~(b) The annual occupational license tax shall be paid for each place of business operated.~~
 1010 ~~An application for a retail consumption dealer's license required pursuant to this title along~~
 1011 ~~with the payment of the tax required by subsection (a) of this Code section shall be~~
 1012 ~~submitted to the department immediately upon assuming control of the place of business~~
 1013 ~~and annually thereafter for so long as the business is operated."~~

1014 **SECTION 37.**

1015 Said title is further amended by revising Code Section 3-4-133, relating to excise tax on sale
 1016 by the drink and dealers collecting tax of allowed percentage of tax due, as follows:

1017 ~~"3-4-133.~~
 1018 ~~Dealers~~ Retail on premise liquor dealers collecting the tax authorized by Code Sections
 1019 3-4-130 and 3-4-131 shall be allowed a percentage of the tax due and accounted for and
 1020 shall be reimbursed in the form of a deduction in submitting, reporting, and paying the
 1021 amount due; if the amount is not delinquent at the time of payment. The rate of the
 1022 deduction shall be the same rate authorized for deductions from state tax under Chapter 8
 1023 of Title 48."

1024 **SECTION 38.**

1025 Said title is further amended by revising Code Section 3-5-1, relating to definitions relative
 1026 to malt beverages, as follows:

1027 ~~"3-5-1.~~
 1028 ~~As used in this chapter, the term:~~
 1029 ~~(1) 'Brewer' means a manufacturer of malt beverages.~~
 1030 ~~(2) 'Case' means a box or receptacle containing not more than 288 ounces of malt~~
 1031 ~~beverages on the average~~ Reserved."

1032 **SECTION 39.**

1033 Said title is further amended by revising subsections (a) and (e) of Code Section 3-5-4,
 1034 relating to production of malt beverages in private residences, consumption, transportation
 1035 and delivery, and home-brew special events, as follows:

1036 ~~"(a)(1) Malt beverages may be produced by a person~~ an individual in his or her private
 1037 residence without such individual being licensed as a brewer subject to the limitations
 1038 provided in this Code section.

1039 (2) The total quantity of malt beverages that may be produced in any private residence
1040 shall be as follows:

1041 (A) Not more than 100 gallons per calendar year if there is only one ~~person~~ individual
1042 of legal drinking age living in such residence; or

1043 (B) Not more than 200 gallons per calendar year if there are two or more ~~persons~~
1044 individuals of legal drinking age living in such residence;

1045 provided, however, that no more than 50 gallons shall be produced in a 90 day period."

1046 "(e)(1) Notwithstanding any other provision of this title to the contrary, in all counties
1047 and municipalities in which the sale of malt beverages is lawful, the local governing
1048 authority may issue a home-brew special event permit for the holding of home-brew
1049 special events, including contests, tastings, and judgments. Any governing authority
1050 desiring to allow home-brew special events to be held within its jurisdiction shall provide
1051 by resolution or ordinance for the issuance of home-brew special event permits and shall
1052 specify the events that shall qualify as home-brew special events. A home-brew special
1053 event permit shall not cost more than \$50.00 and shall be valid for not more than six
1054 events per calendar year.

1055 (2) Home-brew special events shall not be held at any location licensed under this title.

1056 (3) Consumption of malt beverages at home-brew special events shall be limited solely
1057 to malt beverages produced pursuant to this Code section, and such malt beverages shall
1058 only be consumed by the participants in and judges of the home-brew special events."

1059 **SECTION 40.**

1060 Said title is further amended by revising Code Section 3-5-5, relating to the conditions under
1061 which kegs of malt beverages may be sold at retail, as follows:

1062 "3-5-5.

1063 (a) As used in this Code section, the term:

1064 (1) ~~'Keg' means any brewery-sealed container or barrel containing, by liquid volume,~~
1065 ~~more than two gallons of malt beverage.~~

1066 (2) ~~'Retail dealer,' 'retail licensee,' or 'licensee'~~ 'Licensee' means a licensed alcoholic
1067 beverage caterer or a person holding either a retail dealer license, a retail package liquor
1068 dealer license, retail wine-malt beverage dealer license, retail on premise liquor dealer
1069 license, or a permit issued by the commissioner authorizing the sale of alcoholic
1070 beverages for consumption only on the premises ~~for a period not to exceed one day, or~~
1071 ~~a beverage alcohol caterer license.~~

1072 (b) No person licensed under this chapter shall sell malt beverages at retail by the keg
1073 except as provided in subsections (c), (d), and (e) of this Code section. The commissioner
1074 may take punitive action against violators, up to and including revocation of the state retail

1075 ~~dealer's~~ license of any ~~licensed retail dealer~~ licensee who fails to comply with this Code
 1076 section. The undertaking of any punitive action allowed under this Code section shall not
 1077 prohibit criminal prosecution for sale to underage ~~persons~~ individuals.

1078 (c) Each ~~retail~~ licensee selling kegs containing malt beverages for consumption off
 1079 licensed premises shall require each keg purchaser to present a ~~Georgia driver's license or~~
 1080 ~~other~~ proper identification at the time of purchase. The licensee shall record on an
 1081 identification form for each keg sale the following information: the date of sale; ~~the~~ size
 1082 of keg; ~~the~~ keg identification number; ~~the~~ amount of container deposit; ~~the~~ name_; address_;
 1083 and date of birth of the purchaser; and ~~the~~ form of proper identification presented by such
 1084 purchaser. The purchaser shall sign a statement at the time of purchase attesting to the
 1085 accuracy of the purchaser's name and address, ~~the~~ and location where the contents of the
 1086 keg will be consumed; and acknowledging that a violation of Code Section 3-3-23, as it
 1087 relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21 years,
 1088 may result in civil liability, criminal prosecution, or both. The licensee shall retain the
 1089 identification form and purchaser's signed statement attesting to the accuracy of the
 1090 purchaser's name and address and acknowledging that a violation of Code Section 3-3-23,
 1091 as it relates to furnishing alcoholic beverages to ~~persons~~ individuals under the age of 21
 1092 years, may result in civil liability, criminal prosecution, or both, for a minimum of six
 1093 months following the sale of the keg.

1094 (d) Each keg sold at retail for consumption off licensed premises shall be labeled with the
 1095 name and address of the ~~retail~~ licensee, ~~the~~ keg identification number, and ~~the~~ state alcohol
 1096 license number of the business. The ~~Department of Revenue~~ department will prescribe the
 1097 form of registration label or tag to be used for this purpose. The registration label or tag
 1098 shall be supplied by the ~~Department of Revenue~~ department without fee and securely
 1099 affixed to the keg by the licensee making the sale. In addition to the label or tag, the
 1100 ~~Department of Revenue~~ department shall provide guidelines to the licensee on the
 1101 information to be recorded on the identification form required under subsection (c) of this
 1102 Code section.

1103 (e) The licensee shall record the date of return of the keg on the identification form
 1104 required under subsection (c) of this Code section. If there is no label or tag affixed to the
 1105 keg or if the identification number is not legible, the licensee shall indicate this fact on the
 1106 identification form required under subsection (c) of this Code section. The licensee shall
 1107 not refund a deposit for a keg that is returned without the required label or tag and
 1108 identification number intact and legible.

1109 (f) The removal of the required label or tag shall be unlawful until such time that it is
 1110 lawfully returned to the ~~retailer~~ licensee by the purchaser. Possession of a keg without the

1111 required label or tag and identification number shall be unlawful and subject to penalty
 1112 pursuant to Code Section 3-3-9."

1113 **SECTION 41.**

1114 Said title is further amended by revising Code Section 3-5-20, relating to state license tax
 1115 applicable to malt beverages, as follows:

1116 "3-5-20.

1117 ~~(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker,~~
 1118 ~~importer, wholesaler, and retail dealer of beer in this state, as follows:~~

- 1119 ~~(1) Upon each brewer \$1,000.00~~
- 1120 ~~(2) Upon each wholesale dealer 500.00~~
- 1121 ~~(3) Upon each importer 500.00~~
- 1122 ~~(4) Upon each broker 50.00~~
- 1123 ~~(5) Upon each retail dealer 50.00~~
- 1124 ~~(6) Upon each brewpub operator 1,000.00~~
- 1125 ~~(7) Upon each special event use permit applicant 50.00~~

1126 ~~(b) An annual occupational license tax shall be paid for each place of business operated.~~
 1127 ~~An application for the applicable license required pursuant to this title along with the~~
 1128 ~~payment of the tax required by subsection (a) of this Code section shall be submitted to the~~
 1129 ~~department immediately upon assuming control of the place of business and annually~~
 1130 ~~thereafter for so long as the business is operated Reserved."~~

1131 **SECTION 42.**

1132 Said title is further amended by revising Code Section 3-5-21, relating to bottles and cans to
 1133 bear the wording "Georgia" or any of its abbreviations, such as "GA," on crowns or lids and
 1134 alternate identification, as follows:

1135 "3-5-21.

1136 ~~(a) The commissioner may prescribe by regulation that no No person engaged in the~~
 1137 ~~business of selling, manufacturing, or distributing malt beverages specified in this chapter~~
 1138 ~~in bottles or cans may sell, offer for sale, or possess for the purpose of sale any shall be~~
 1139 ~~required to mark any bottles, or cans, containing such malt beverages unless the crowns,~~
 1140 ~~or lids contain with the word 'Georgia' or its abbreviation, such as 'GA,' 'GA'.~~

1141 ~~(b) The commissioner may prescribe an alternate identification for certain bottles or~~
 1142 ~~containers of malt beverages manufactured in a foreign country and which have been~~
 1143 ~~imported into this state by a licensed importer, manufacturer, or wholesaler for resale."~~

1144 **SECTION 43.**

1145 Said title is further amended by revising Code Section 3-5-25.1, relating to license for the
 1146 manufacture of malt beverages and the bond required on application for license or renewal,
 1147 as follows:

1148 "3-5-25.1.

1149 The commissioner may require, in addition to other bonds required by this title, a bond to
 1150 be filed with the application for a license or the renewal of a license, conditioned to pay all
 1151 sums which may become due by the applicant to ~~this~~ the state as taxes, license fees, or
 1152 otherwise, by reason of or incident to; the operation of the business of the applicant and to
 1153 comply with all the laws, rules, and regulations pertaining to malt beverages. The bond
 1154 shall be in such form and in such amount approved by the commissioner, not to exceed
 1155 \$5,000.00 for brewers and \$500.00 for ~~retailers~~ retail package liquor dealers, retail
 1156 wine-malt beverage dealers, and retail on premise liquor dealers."

1157 **SECTION 44.**

1158 Said title is further amended by revising Code Section 3-5-26, relating to persons to whom
 1159 malt beverages may be sold by wholesale dealers, as follows:

1160 "3-5-26.

1161 ~~Licensed wholesale dealers may~~ Wholesalers shall sell malt beverages only to ~~other~~
 1162 ~~licensed wholesale dealers and to~~ wholesalers, importers, retail package liquor dealers,
 1163 retail wine-malt beverage dealers, and retail on premise liquor dealers ~~and retail dealers~~
 1164 licensed in this state."

1165 **SECTION 45.**

1166 Said title is further amended by revising Code Section 3-5-27, relating to malt beverages
 1167 acquired by retail dealers from persons other than licensed wholesale dealers declared
 1168 contraband, as follows:

1169 "3-5-27.

1170 Any malt beverage possessed, sold, or offered for sale by a ~~retail dealer~~ retail package
 1171 liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer which was
 1172 purchased or otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler
 1173 authorized to do business under this chapter is declared to be contraband and shall be
 1174 seized by the commissioner or the appropriate local authorities and disposed of by the
 1175 commissioner in the manner provided in this title."

1176 **SECTION 46.**

1177 Said title is further amended by revising Code Section 3-5-28, relating to delivery, receipt,
1178 and storage of malt beverages sold by wholesale dealers to retail dealers, as follows:

1179 "3-5-28.

1180 All malt beverages sold by a ~~wholesale dealer~~ wholesaler to a ~~retail dealer~~ retail package
1181 liquor dealer, retail wine-malt beverage dealer, or retail on premise liquor dealer shall be
1182 delivered only to the premises of a licensed ~~retail dealer~~ retail package liquor dealer, retail
1183 wine-malt beverage dealer, or retail on premise liquor dealer and transported only by a
1184 conveyance owned, or leased, and operated by a ~~wholesale dealer~~ wholesaler that is
1185 designated to deal in the brands of malt beverages sold and is licensed to make sales and
1186 deliveries within the municipality or county in which the sale or delivery is made. The
1187 malt beverages so sold shall not be delivered to, received, or stored at any place other than
1188 premises for which state and local retail licenses have been issued."

1189 **SECTION 47.**

1190 Said title is further amended by revising Code Section 3-5-32, relating to distribution of malt
1191 beverages and limitations on business interests, as follows:

1192 "3-5-32.

1193 No ~~licensed registered~~ brewer, broker, or importer ~~authorized~~ licensed to do business in this
1194 state nor any of ~~his~~ such brewer's, broker's, or importer's employees or members of such
1195 brewer's, broker's, or importer's immediate family shall have, own, or enjoy ownership
1196 interest in or partnership arrangement with the business of any wholesaler, ~~or retailer~~
1197 ~~licensee~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise
1198 liquor dealer. Cooperative advertising and incentive programs shall not be deemed to
1199 constitute a partnership agreement."

1200 **SECTION 48.**

1201 Said title is further amended by revising Code Section 3-5-36, relating to brewpubs and the
1202 limited exception to the prohibition against ownership and employment interests among
1203 persons involved in the manufacture, distribution, and sale of malt beverages, as follows:

1204 "3-5-36.

1205 A limited exception to the provisions of Code Sections 3-5-29 through 3-5-32 providing
1206 a three-tier system for the distribution and sale of malt beverages shall exist for owners and
1207 operators of brewpubs, subject to the following terms and conditions:

1208 (1) No ~~individual~~ person shall be permitted to own or operate a brewpub without first
1209 obtaining a proper license from the commissioner in the manner provided in this title, and

1210 each brewpub ~~licenseholder~~ license holder shall comply with all other applicable state
 1211 and local license requirements;

1212 (2) A brewpub license authorizes the holder of such license to:

1213 (A) Manufacture on the licensed premises not more than 10,000 barrels of ~~beer~~ malt
 1214 beverages in a calendar year solely for retail sale on the premises;

1215 (B) Operate ~~an eating a dining~~ establishment that shall be the sole retail outlet for such
 1216 ~~beer and may offer~~ malt beverages;

1217 (C) Offer for sale any other alcoholic beverages produced by other manufacturers
 1218 which are authorized for retail sale under this title, including ~~wine, distilled spirits, and~~
 1219 malt beverages, wine, and distilled spirits, provided that such alcoholic beverages are
 1220 purchased from a licensed wholesaler and sold for consumption on the premises only;
 1221 and provided, further, that the appropriate licenses for such sales are obtained; and,
 1222 ~~provided, further, that in addition to draft beer manufactured on the premises, each~~
 1223 ~~brewpub licensee shall offer for sale commercially available canned or bottled malt~~
 1224 ~~beverages from licensed wholesalers; and~~

1225 ~~(C)~~(D) Notwithstanding any other provision of this paragraph, sell up to a maximum
 1226 of 5,000 barrels annually of such beer malt beverages to licensed ~~wholesale dealers~~
 1227 wholesalers ~~for distribution to retailers and retail consumption dealers;~~

1228 (3) ~~Possession of a brewpub license shall not prevent the~~ The holder of such a brewpub
 1229 ~~license from obtaining a retail consumption dealer's license or a retailer's license shall~~
 1230 obtain a retail on premise liquor dealer license or retail wine-malt beverage dealer license
 1231 for the same premises in order to sell alcoholic beverages for consumption on the
 1232 premises;

1233 (4) A brewpub license does not authorize the holder of such license to sell alcoholic
 1234 beverages by the package for consumption off the premises;

1235 ~~(5) A brewpub licensee shall not offer or permit any free sampling of beer by its~~
 1236 ~~customers on the premises of a brewpub;~~

1237 ~~(6)~~(5) The commissioner shall not issue a brewpub license if the brewpub premises are
 1238 located in a county or municipality in which the sale of alcoholic beverages is prohibited;
 1239 and

1240 ~~(7)~~(6) A brewpub ~~licensee~~ license holder shall:

1241 (A) Pay all state and local license fees and excise taxes applicable to ~~individuals~~
 1242 persons licensed by this state as manufacturers, ~~retailers~~ retail license holders, and,
 1243 where applicable, wholesalers under this title;

1244 (B) At the request of the commissioner, provide an irrevocable letter of credit or an
 1245 ~~Irrevocable Standby Financial Guarantee Bond~~ a bond in favor of the State of Georgia

1246 in an amount sufficient to guarantee such brewpub licensee's estimated tax liability for
 1247 the first year of operation; and
 1248 (C) Measure ~~beer~~ malt beverages manufactured on the premises and otherwise comply
 1249 with applicable regulations respecting excise and enforcement tax determination of
 1250 such ~~beer~~ malt beverages as required by this title."

1251 **SECTION 49.**

1252 Said title is further amended by revising Code Section 3-5-38, relating to free tasting of malt
 1253 beverages at a licensed brewery on the premises during educational and promotional tours,
 1254 as follows:

1255 "3-5-38.

1256 The commissioner ~~shall~~ may, upon proper application therefor, issue an annual permit to
 1257 any brewer licensed in this state authorizing such brewer to conduct educational and
 1258 promotional brewery tours which may include free ~~tasting~~ tastings on the premises of such
 1259 brewery by members of the public of tax paid varieties of malt beverages ~~brewed~~
 1260 manufactured by such brewer."

1261 **SECTION 50.**

1262 Said title is further amended by revising Code Section 3-5-43, relating to restriction on
 1263 license fees charged by municipality or county other than that of where business is located,
 1264 as follows:

1265 "3-5-43.

1266 Where a ~~wholesale dealer~~ wholesaler is licensed to do business in more than one
 1267 municipality or county of this state, no municipality or county other than that of the
 1268 ~~wholesale dealer's~~ wholesaler's principal place of business shall charge a license fee
 1269 exceeding \$100.00."

1270 **SECTION 51.**

1271 Said title is further amended by revising Code Section 3-5-81, relating to tax to be paid by
 1272 wholesale dealer and when, as follows:

1273 "3-5-81.

1274 (a) The excise taxes provided for in this part shall be imposed upon and shall be paid by
 1275 ~~the licensed wholesale dealer in~~ wholesalers of malt beverages.

1276 (b) The taxes shall be paid on or before the tenth day of the month following the calendar
 1277 month in which the malt beverages are sold or disposed of within the particular
 1278 municipality or county by the ~~wholesale dealer~~ wholesaler.

1279 (c) Each ~~licensee~~ wholesaler responsible for the payment of the excise tax shall file a
 1280 report itemizing for the preceding calendar month the exact quantities of malt beverages,
 1281 by size and type of container, sold during the month within each municipality or county.
 1282 The ~~licensee~~ wholesaler shall file the report with each municipality or county wherein the
 1283 malt beverages are sold by ~~the licensee~~ such wholesaler.
 1284 (d) The wholesaler shall remit to the municipality or county on the tenth day of the month
 1285 following the calendar month in which the sales were made the tax imposed by the
 1286 municipality or county."

1287 SECTION 52.

1288 Said title is further amended by revising Code Section 3-5-82, relating to no marking to be
 1289 required, as follows:

1290 "3-5-82.

1291 No decal, stamp, or other marking shall be required on malt beverage containers
 1292 designating the particular municipality or county in which a sale of malt beverages is made
 1293 or in which resides a licensed ~~retailer~~ retail package liquor dealer, retail wine-malt
 1294 beverage dealer, or retail on premise liquor dealer to whom the malt beverages are
 1295 delivered."

1296 SECTION 53.

1297 Said title is further amended by revising Code Section 3-6-1, relating to definitions relative
 1298 to wine, as follows:

1299 "3-6-1.

1300 As used in this chapter, the term:

1301 ~~(1) 'Dessert wine' means a wine having an alcoholic strength of more than 14 percent~~
 1302 ~~alcohol by volume but not more than 24 percent alcohol by volume.~~

1303 ~~(2) 'Domestic winery' means any winery, manufacturer, maker, producer, or bottler of~~
 1304 ~~wine located within the state.~~

1305 ~~(3) 'Foreign winery' means any winery, manufacturer, maker, producer, or bottler of wine~~
 1306 ~~located outside the state.~~

1307 ~~(4) 'Table wine' means a wine having an alcoholic strength of not more than 14 percent~~
 1308 ~~alcohol by volume.~~

1309 ~~(5) 'Winery' means a manufacturer of wine.~~

1310 (1) 'Affiliate' means any person controlling, controlled by, or under common control with
 1311 a farm winery.

1312 (2) 'Permitted vintner' means any vintner, whether located in this state or any other state,
 1313 that holds a valid federal basic wine manufacturing permit.

- 1314 (3) 'Tasting room' means an outlet for:
- 1315 (A) The promotion of a farm winery's wine by providing free samples of such wine to
- 1316 the public; and
- 1317 (B) The sale of such wine at retail for consumption on the premises or in closed
- 1318 packages for consumption off the premises."

SECTION 54.

1319 Said title is further amended by revising Code Section 3-6-3, relating to household
1320 production of wine, as follows:

1321 "3-6-3.

1322 (a) ~~A head of a household may produce 200 gallons of wine in any one calendar year to~~
1323 ~~be consumed within his own household without any requirement to be licensed for such~~
1324 ~~purpose. Wine so produced shall not be subject to any excise tax imposed by this chapter.~~

1325 (b) ~~For purposes of this Code section, a single individual who is not a dependent of~~
1326 ~~another person for purposes of Georgia income taxation shall be considered a head of a~~
1327 ~~household.~~

1328 (a) Wine may be produced by an individual in his or her private residence without such
1329 individual being licensed as a vintner subject to the limitations provided in this Code
1330 section.

1331 (b) The total quantity of wine that may be produced in any private residence shall not
1332 exceed 200 gallons per calendar year irrespective of the number of individuals living in
1333 such residence.

1334 (c) Wine produced in compliance with this Code section shall not be subject to any excise
1335 tax imposed under this chapter."

SECTION 55.

1337 Said title is further amended by revising Code Section 3-6-20, relating to state license tax
1338 applicable to wine, as follows:

1339 "3-6-20.

1340 (a) ~~An annual occupational license tax is imposed upon each winery, manufacturer, broker,~~
1341 ~~importer, wholesaler, and retail dealer of wine in this state, as follows:~~

1342	(1) Upon each winery and manufacturer	\$ 1,000.00
1343	(2) Upon each wholesale dealer	500.00
1344	(3) Upon each importer	500.00
1345	(4) Upon each broker	50.00
1346	(5) Upon each retail dealer	50.00

1384 tasting room shall be located on the licensed premises of the Georgia farm winery. For
 1385 purposes of this subsection, the term 'licensed premises' shall mean the premises for which
 1386 the Georgia farm winery license is issued or property located contiguous to ~~the farm winery~~
 1387 such premises and owned or operated by the Georgia farm winery.

1388 ~~(e)~~(b)(1) The commissioner may authorize any ~~licensee which is a~~ licensed farm winery
 1389 to sell up to 24,000 gallons per calendar year of its wine at wholesale within ~~the~~ this state;
 1390 provided, however, that the commissioner shall not authorize any licensed farm winery
 1391 to sell its wine at wholesale unless such licensed farm winery shall have first offered its
 1392 products for sale at a fair market wholesale price to a licensed Georgia wholesaler and
 1393 such wholesaler does not accept the farm winery's product within 30 days of such offer.

1394 (2) A licensed farm winery ~~licensee~~ shall also be authorized to sell, deliver, or ship its
 1395 wine in bulk or in bottles, whether labeled or unlabeled, in accordance with the rules and
 1396 regulations of the commissioner, to any Georgia farm winery ~~licensees~~ and shall be
 1397 authorized to acquire and receive deliveries and shipments of such wine made by any
 1398 Georgia farm winery ~~licensees~~.

1399 (3) A Georgia farm winery ~~licensee~~ shall be authorized, in accordance with the rules and
 1400 regulations of the commissioner, to acquire and receive deliveries and shipments of wine
 1401 in bulk from out-of-state producers and shippers in an amount not to exceed 20 percent
 1402 of its annual production, provided that the Georgia farm winery ~~licensee~~ receiving any
 1403 such shipment ~~or shipments~~ files timely reports with the commissioner and keeps such
 1404 records of the receipt of such shipment ~~or shipments~~ as may be required by the
 1405 commissioner.

1406 (4) Any wine received in bulk pursuant to paragraph (3) of this subsection shall have
 1407 levied thereon the requisite taxes as prescribed by Code Section 3-6-50, and such taxes
 1408 shall be reported and remitted to the commissioner as provided in Code Section 3-2-6.

1409 ~~(d) The annual license tax for each license issued pursuant to this Code section shall be~~
 1410 ~~\$50.00.~~

1411 ~~(e)~~(c) The surety bond required as a condition upon issuance of a license pursuant to this
 1412 Code section shall be the same as that required pursuant to Code Section 3-6-21 with
 1413 respect to ~~wineries~~ vintners.

1414 ~~(f)~~(d) Wines sold at retail by a manufacturer as provided in subsection ~~(b)~~ (a) of this Code
 1415 section shall have levied thereon an excise tax as prescribed by Code Section 3-6-50, and
 1416 such tax shall be reported and remitted to the commissioner as provided in Code Section
 1417 3-2-6."

SECTION 57.

1418
 1419 Said title is further amended by revising Code Section 3-6-21.3, relating to sales by farm
 1420 winery of wines and other alcoholic beverages for consumption on the premises or on
 1421 contiguous property, as follows:

1422 "3-6-21.3.

1423 ~~(a) As used in this Code section, the term:~~

1424 ~~(1) 'Affiliate' means any person controlling, controlled by, or under common control with~~
 1425 ~~a farm winery.~~

1426 ~~(2) 'Farm winery' means a farm winery as defined in Code Section 3-6-21.1 that is~~
 1427 ~~located in Georgia.~~

1428 ~~(3) 'Tasting room' has the meaning provided by Code Section 3-6-21.1.~~

1429 ~~(b)(1)(a)~~ Notwithstanding any other provision of this title to the contrary, in all counties
 1430 or municipalities in which the sale of wine is lawful, the commissioner may authorize any
 1431 vintner licensed as a farm winery licensee to sell its wine and the wine of any other vintner
 1432 licensed as a farm winery licensee for consumption on the premises at facilities located on
 1433 the premises of the farm winery or on property located contiguous to the farm winery and
 1434 owned by the farm winery or by an affiliate of the farm winery.

1435 ~~(2)(b)~~ Notwithstanding any other provisions of this title to the contrary, in all counties or
 1436 municipalities in which the sale of distilled spirits, malt beverages, and wines is lawful, the
 1437 commissioner ~~further~~ may authorize ~~such licensee~~ a farm winery to make sales of distilled
 1438 spirits, malt beverages, and wines not produced by a such farm winery for consumption in
 1439 its tasting rooms and at facilities located on the premises of the farm winery or on property
 1440 located contiguous to the farm winery and owned by the farm winery or by an affiliate of
 1441 the farm winery, provided that any alcoholic beverages sold pursuant to this ~~paragraph~~
 1442 subsection shall be purchased by the farm winery from a licensed wholesaler at wholesale
 1443 prices."

SECTION 58.

1444
 1445 Said title is further amended by revising Code Section 3-6-21.5, relating to production of
 1446 fortified wine, as follows:

1447 "3-6-21.5.

1448 A winery vintner may purchase distilled spirits directly from a manufacturer of distilled
 1449 spirits and blend with wine manufactured by ~~the winery~~ such vintner to produce fortified
 1450 wine. Such distilled spirits shall not be used by ~~the winery~~ such vintner for any other
 1451 purpose or used to create any other type of alcoholic beverage or product."

1452 **SECTION 59.**

1453 Said title is further amended by revising Code Section 3-6-23, relating to restriction upon
 1454 licensed wholesale dealers as to whom they may sell and deliver wine, as follows:

1455 "3-6-23.

1456 Except as provided in paragraph (5) of subsection (a) of Code Section 3-2-13, ~~licensed~~
 1457 ~~wholesale dealers~~ wholesalers shall sell wine only to ~~other licensed wholesale dealers and~~
 1458 ~~to wholesalers, importers, and retail dealers~~ retail wine-malt beverage dealers, retail on
 1459 premise liquor dealers, and retail package liquor dealers licensed in this state."

1460 **SECTION 60.**

1461 Said title is further amended by revising Code Section 3-6-24, relating to regulation of sales
 1462 transactions involving wine, as follows:

1463 "3-6-24.

1464 Each ~~wholesale dealer~~ wholesaler, at the time of any sale of wine, shall prepare and keep
 1465 a copy of a sales invoice containing:

1466 (1) The name of the ~~wholesale dealer~~ wholesaler;

1467 (2) The name, address, and license number of the licensed importer, wholesaler, ~~or~~
 1468 ~~retailer~~ retail package liquor dealer, retail wine-malt beverage dealer, or retail on premise
 1469 liquor dealer making the purchase;

1470 (3) The quantity and container sizes of wine sold;

1471 (4) The date of the sale; and

1472 (5) Any other information the commissioner may require."

1473 **SECTION 61.**

1474 Said title is further amended by revising Code Section 3-6-25, relating to wine acquired from
 1475 anyone other than wholesale dealer authorized to do business declared contraband, as
 1476 follows:

1477 "3-6-25.

1478 Except as provided in Code Sections 3-6-21.1 through 3-6-21.3 and Code Section 3-6-21.5,
 1479 wine possessed, sold, or offered for sale by a ~~retail dealer~~ retail package liquor dealer, retail
 1480 wine-malt beverage dealer, or retail on premise liquor dealer which was purchased or
 1481 otherwise acquired from any person other than a ~~wholesale dealer~~ wholesaler authorized
 1482 to do business under this chapter is declared to be contraband and shall be seized and
 1483 disposed of by the commissioner in the manner provided in this title."

SECTION 62.

1484
 1485 Said title is further amended by revising Code Section 3-6-25.1, relating to advertisement of
 1486 prices of wine and selling of wine at a price less than its cost, as follows:

1487 "3-6-25.1.

1488 ~~(a) No person holding a retail dealer's license to deal in wine by the package shall display~~
 1489 ~~any advertisement of or information regarding the price or prices of any wine in any show~~
 1490 ~~window or other place visible from outside the licensee's place of business.~~

1491 ~~(b)~~(a) No person licensed to sell wine by the package for ~~carry-out purposes~~ consumption
 1492 off premises shall sell such ~~beverages~~ wine at a price less than the cost which such licensee
 1493 person pays for such wine. As used in this subsection, ~~cost shall include~~ the term 'cost'
 1494 means the wholesale price plus the local excise tax imposed, as reflected in invoices which
 1495 the commissioner ~~of revenue~~ may require to be maintained on ~~said licensee's~~ such person's
 1496 place of business.

1497 ~~(c)~~(b) The commissioner ~~of revenue~~ shall be authorized to adopt such rules and regulations
 1498 as he or she deems necessary to provide for an exception to the prohibition provided in
 1499 subsection ~~(b)~~ (a) of this Code section for reasons relating to liquidation of inventory,
 1500 ~~close-out~~ closeout of brands, outdated products, or any other reason the commissioner may
 1501 determine to merit an exception."

SECTION 63.

1502
 1503 Said title is further amended by revising Code Section 3-6-26, relating to regulation of
 1504 delivery, receipt, and storage of wines after sale, as follows:

1505 "3-6-26.

1506 All wines sold by a ~~wholesale dealer~~ wholesaler to a retail package liquor dealer, retail
 1507 wine-malt beverage dealer, or retail on premise liquor dealer shall be delivered only to the
 1508 premises of a licensed retail package liquor dealer, retail wine-malt beverage dealer, or
 1509 retail on premise liquor dealer and transported only by a conveyance owned, or leased, and
 1510 operated by a ~~wholesale dealer~~ wholesaler, or owned, or leased, and operated by a
 1511 ~~wholesale dealer's~~ wholesaler's employee, who is designated to deal in the brands of wines
 1512 sold and is licensed to make sales and deliveries within the municipality or county in which
 1513 the sale or delivery is made. The wine so sold shall not be delivered to, received, or stored
 1514 at any place other than premises for which state and local retail licenses have been issued."

SECTION 64.

1515
 1516 Said title is further amended by revising Code Section 3-6-27, relating to registration of
 1517 agents, representatives, salesmen, and employees of manufacturers, importers, producers, or
 1518 brokers, as follows:

1519 "3-6-27.
 1520 Every agent, representative, ~~salesman~~ salesperson, and employee of each winery vintner,
 1521 ~~manufacturer, importer, producer,~~ or broker shipping, or causing to be shipped, wines into
 1522 ~~the~~ this state shall register with the commissioner on forms prepared by the commissioner
 1523 before engaging in the selling, promoting, displaying, or advertising of wine."

1524 SECTION 65.

1525 Said title is further amended by revising Code Section 3-6-31, relating to direct shipments
 1526 to state residents and special order shipping licenses, as follows:

1527 "3-6-31.

1528 ~~(a) For purposes of this Code section, the term 'winery' means any maker or producer of~~
 1529 ~~wine whether in this state or in any other state, who holds a valid federal basic wine~~
 1530 ~~manufacturing permit.~~

1531 ~~(b)~~(a) Notwithstanding any other provision of this title to the contrary, any shipper which
 1532 is also a winery permitted vintner may be authorized to make direct shipments of wine to
 1533 consumers in this state, without complying with the provisions of Code Section 3-6-22,
 1534 upon obtaining a special order shipping license from the commissioner pursuant to this
 1535 Code section.

1536 ~~(c)~~(b) A special order shipping license shall only be issued to a winery permitted vintner
 1537 upon compliance with all applicable provisions of this title and the rules and regulations
 1538 promulgated pursuant to this title, and upon payment of the occupational license fee
 1539 ~~designated for retail dealers tax~~ in Code Section ~~3-6-20~~ 3-2-5.1.

1540 ~~(d)~~(c) A special order shipping license shall entitle the winery permitted vintner to ship
 1541 wine upon order directly to consumers for personal or household use in this state without
 1542 designating wholesalers as required by Code Section 3-6-22, provided that:

1543 (1) The holder of a special order shipping license shall only ship brands of wine for
 1544 which the holder has submitted labels to the commissioner;

1545 (2) No holder of a special order shipping license shall be permitted to ship in excess of
 1546 12 standard cases of wine of one brand or a combination of brands into this state to any
 1547 one consumer or address per calendar year;

1548 (3) Before accepting an order from a consumer in this state, the holder of a special order
 1549 shipping license shall require that the person individual placing the order state
 1550 affirmatively that he or she is of the age required by Code Section 3-3-23 and shall verify
 1551 the age of such person individual placing the order either by the physical examination of
 1552 an approved government issued form of identification or by utilizing an Internet based
 1553 age and identification service;

1554 (4) A special order shipping license shall not authorize the shipment of any wine to any
1555 premises licensed to sell alcoholic beverages pursuant to this title; and

1556 (5) Every shipment of wine by the holder of a special order shipping license shall be
1557 clearly marked 'Alcoholic Beverages, Adult Signature Required,' and the carrier
1558 delivering such shipment shall be responsible for obtaining the signature of an adult who
1559 is at least 21 years of age as a condition of delivery.

1560 ~~(e)~~(d) The failure to comply strictly with the requirements of this Code section, Code
1561 Section 3-3-23, and all applicable provisions of this title and regulations promulgated
1562 pursuant to this title shall be grounds for the revocation of a special order shipping license
1563 or other disciplinary action by the commissioner. Upon revocation of a special order
1564 shipping license for shipment of wine to ~~a person~~ an individual not of age as required by
1565 Code Section 3-3-23, such ~~winery~~ permitted vintner shall not be issued any special order
1566 shipping license pursuant to this Code section for a period of five years from the date of
1567 revocation.

1568 ~~(f)~~(e) The holder of a special order shipping license shall collect all excise taxes imposed
1569 by Code Section 3-6-50, shall remit such taxes in the same manner as licensed ~~wine~~
1570 wholesalers, and shall accompany such remittance with such reports, documentation, and
1571 other information as may be required by the commissioner. In addition, an applicant for
1572 and a holder of a special order shipping license, as a condition of receiving and holding a
1573 valid license, shall:

1574 (1) Agree to collect and to pay applicable Georgia state and local sales tax on each sale
1575 shipped to a consumer in ~~Georgia~~ this state;

1576 (2) Accompany each remittance with such sales tax reports, documentation, and other
1577 information as may be required by the commissioner; and

1578 (3) Consent to enforcement of the provisions of this Code section by the department and
1579 to the jurisdiction of the courts of ~~Georgia~~ this state for the collection of such taxes or
1580 other moneys owing, including interest and penalties.

1581 ~~(g)~~(f) The commissioner may promulgate such rules and regulations as are necessary and
1582 appropriate for the enforcement of this Code section."

1583 **SECTION 66.**

1584 Said title is further amended by revising Code Section 3-6-32, relating to shipment of wine
1585 by winery to consumers and circumstances, as follows:

1586 "3-6-32.

1587 (a) Notwithstanding any other provision of this title to the contrary, a ~~winery located~~
1588 ~~within this state or outside this state that holds a federal basic wine manufacturing permit~~
1589 permitted vintner, whether licensed under this title or not and without regard to brand or

1590 label registrations or designations of wholesalers pursuant to Code Section 3-6-22, shall
 1591 be permitted to ship wine directly to consumers in this state for personal or household use
 1592 under the following circumstances:

1593 (1) The consumer must purchase the wine while physically present on the premises of
 1594 the winery permitted vintner;

1595 (2) The winery permitted vintner must verify that the consumer purchasing the wine is
 1596 of the age required by Code Section 3-3-23 and is not licensed pursuant to this title; and

1597 (3) No winery permitted vintner shall ship in excess of five cases of any brand or
 1598 combination of brands to any one consumer or any one address in this state in any
 1599 calendar year.

1600 (b) The commissioner may promulgate such rules and regulations as are necessary and
 1601 appropriate for the enforcement of this Code section."

1602 **SECTION 67.**

1603 Said title is further amended by revising subsection (a) of Code Section 3-6-40, relating to
 1604 dealing in wine at wholesale and retail prohibited without a county or municipal wine
 1605 license; counties and municipalities granted powers to issue, refuse, and revoke local wine
 1606 licenses; and revocation of local and state wine licenses, as follows:

1607 "(a) Except as otherwise provided in this Code section, the businesses of manufacturing,
 1608 distributing, and selling wine at wholesale or retail shall not be conducted in any county
 1609 or ~~incorporated~~ municipality of this state without a license from the governing authority
 1610 of the county or municipality. A farm winery, as defined in Code Section ~~3-6-21.1~~ 3-6-1,
 1611 which is qualified and licensed by the state shall need no county or municipal license to
 1612 manufacture wine or to distribute such wine at wholesale in accordance with this chapter
 1613 if the farm winery has given to the municipal or county governing authority 60 days'
 1614 written notice of its intention to commence operations in the county or municipality and
 1615 the county or municipal governing authority has not within ~~said~~ such 60 day period adopted
 1616 a resolution prohibiting the farm winery from commencing operations in the county or
 1617 municipality without a local license."

1618 **SECTION 68.**

1619 Said title is further amended by revising Code Section 3-6-50, relating to the levy of state
 1620 excise tax on wine, as follows:

1621 "3-6-50.

1622 (a) There shall be levied and imposed on the first sale, use, or final delivery within this
 1623 state of all table wines, except fermented apple beverages, an excise tax in the amount of
 1624 11¢ per liter and a proportionate tax at the same rate on all fractional parts of a liter.

1625 (b) There shall be imposed upon the importation for use, consumption, or final delivery
 1626 into this state of all table wines, except fermented apple beverages, an import tax in the
 1627 amount of 29¢ per liter and a proportionate tax at the same rate on all fractional parts of a
 1628 liter.

1629 (c) There shall be levied and imposed upon the first sale, use, or final delivery within this
 1630 state of all dessert wines an excise tax in the amount of 27¢ per liter and a proportionate
 1631 tax at the same rate on all fractional parts of a liter.

1632 (d) There shall be levied and imposed upon the importation for use, consumption, or final
 1633 delivery into this state of all dessert wines an import tax in the amount of 40¢ per liter and
 1634 a proportionate tax at the same rate on all fractional parts of a liter.

1635 (e) There shall be levied and imposed on the first sale, use, or possession within this state
 1636 of fermented apple beverages the same taxes levied and imposed upon malt beverages
 1637 pursuant to Code Sections 3-5-60 and 3-5-61."

1638 **SECTION 69.**

1639 Said title is further amended by revising Code Section 3-6-60, relating to the excise tax on
 1640 wine which may be imposed by local governments and to the imposition of county excise
 1641 taxes where municipalities already levied one, as follows:

1642 "3-6-60.

1643 (a) The governing authority of each county or municipality ~~or county~~ where the sale of
 1644 wine is permitted by this chapter, at its discretion, may levy an excise tax on the first sale
 1645 or use of wine by the package, except fermented apple beverages, which tax shall not
 1646 exceed 22¢ per liter and a proportionate tax at the same rate on all fractional parts of a liter.

1647 (b) The rate of taxation, the manner of its imposition, payment, and collection, and all
 1648 other procedures related to the tax authorized by subsection (a) of this Code section shall
 1649 be as provided for by each county or municipality electing to exercise the power conferred
 1650 by subsection (a) of this Code section.

1651 (c)(1) The governing authority of each county or municipality shall levy on the first sale
 1652 or use of fermented apple beverages the same excise taxes levied and imposed upon malt
 1653 beverages pursuant to Code Section 3-5-80.

1654 (2) No county excise tax shall be imposed, levied, or collected in any portion of a county
 1655 in which a municipality within the county is imposing the same tax on wine or fermented
 1656 apple beverages sold by the package."

1657 **SECTION 70.**

1658 Said title is further amended by revising Code Section 3-7-21, relating to license fees
 1659 applicable to clubs, as follows:

1660 "3-7-21.

1661 The license fees for a club shall be the same fees amount as provided in ~~subsection (a) of~~
 1662 ~~Code Section 3-4-111.1 for the sale of distilled spirits in licensed public places of business~~
 1663 Code Section 3-2-5.1 for a retail on premise liquor dealer; and, in addition, a prelicense
 1664 investigation fee of \$100.00 shall be required."

1665 **SECTION 71.**

1666 Said title is further amended by revising subsection (c) of Code Section 3-7-60, relating to
 1667 sales within municipalities and excise tax, as follows:

1668 "(c) Local excise taxes provided for in this Code section shall be imposed upon and shall
 1669 be paid by the licensed ~~wholesale dealer in~~ wholesaler of distilled spirits."

1670 **SECTION 72.**

1671 Said title is further amended by revising Code Section 3-8-2, relating to sale of malt
 1672 beverages, wine, and distilled spirits at public golf courses operated by counties or
 1673 municipalities, as follows:

1674 "3-8-2.

1675 The Department of Natural Resources or any county or municipality operating a public golf
 1676 course and offering food or drink for retail sale as an incident to the operation of the golf
 1677 course may sell at retail malt beverages; and wine; by the drink as an incident to the
 1678 operation of the golf course upon obtaining a retail wine-malt beverage dealer license or
 1679 a retail on premise liquor dealer license and may sell at retail distilled spirits by the drink
 1680 as an incident to the operation of the golf course upon obtaining a ~~retail consumption~~
 1681 license retail on premise liquor dealer license."

1682 **SECTION 73.**

1683 Said title is further amended by revising subsection (d) of Code Section 3-9-4, relating to
 1684 special use temporary permits, as follows:

1685 "(d) ~~Bona~~ A bona fide nonprofit civic ~~organizations~~ organization which ~~hold~~ holds a
 1686 special use temporary permit issued pursuant to this Code section may auction for
 1687 off-premises consumption wine in sealed containers, which has been donated to the bona
 1688 fide nonprofit civic organization by a person ~~who~~ that does not currently hold a license that
 1689 has been issued by the department pursuant to this title, wine which has been donated by
 1690 a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package liquor dealer,
 1691 or wine which has been donated or purchased from a Georgia licensed ~~wine~~ wholesaler.
 1692 The bona fide nonprofit civic organization may ship or otherwise transport to the location
 1693 specified in the special use temporary permit wine donated by a person ~~who~~ that does not

1694 currently hold a license that has been issued by the department pursuant to this title or wine
 1695 donated by a Georgia licensed ~~retailer~~ retail wine-malt beverage dealer or retail package
 1696 liquor dealer. Georgia excise tax shall be paid to the department on any donated wine. If
 1697 the bona fide nonprofit civic organization cannot verify, within ten days of the conclusion
 1698 of the permitted event, that Georgia excise tax for the wine was previously paid to the
 1699 department, the bona fide nonprofit civic organization shall pay to the department the
 1700 appropriate excise tax as required by law."

1701 **SECTION 74.**

1702 Said title is further amended by revising subsection (b) of Code Section 3-9-6, relating to
 1703 limousine carriers and annual permits, as follows:

1704 "(b) A permit issued in accordance with this Code section shall not authorize the wholesale
 1705 purchase of alcoholic beverages by a limousine carrier and only authorizes purchase from
 1706 a ~~retail dealer~~ retail wine-malt beverage dealer or retail package liquor dealer. A permit
 1707 issued in accordance with this Code section shall be subject to any law regulating the time
 1708 for selling such beverages."

1709 **SECTION 75.**

1710 Said title is further amended by revising Code Section 3-9-7, relating to the issuance of a
 1711 nonprofit distiller license to a nonprofit museum and requirements, as follows:

1712 "3-9-7.

1713 ~~(a) As used in this Code section, the term 'nonprofit museum' means a museum whose~~
 1714 ~~mission includes educating the public about the local, state, and national history of the~~
 1715 ~~United States and that is owned and operated by a bona fide nonprofit civic organization~~
 1716 ~~which holds title to improved real property with a structure listed on the National Register~~
 1717 ~~of Historic Places.~~

1718 ~~(b)~~(a) Notwithstanding any other provision contained in this title or any other law, the
 1719 commissioner may issue a nonprofit distiller license to a nonprofit museum, regardless of
 1720 whether or not such nonprofit museum holds an annual license to sell malt beverages, wine,
 1721 or distilled spirits for consumption on the premises, upon the filing of an application and
 1722 payment of an annual occupational license tax ~~of \$100.00~~ as provided in Code Section
 1723 3-2-5.1. Such nonprofit distiller license shall entitle the nonprofit museum to produce
 1724 distilled spirits, provided that:

- 1725 (1) The nonprofit museum shall not produce more than 800 liters of distilled spirits each
 1726 calendar year;
- 1727 (2) The nonprofit museum is located in a county or municipality where the production
 1728 of distilled spirits is authorized, and the local governing authority of such county or

1729 municipality has issued a license to the nonprofit museum pursuant to Code Section 3-3-2
1730 for the production of distilled spirits;

1731 (3) The production of distilled spirits, except as otherwise provided in this Code section,
1732 shall be used for educational purposes only;

1733 (4) The distilled spirits produced by the nonprofit museum shall be stored and aged only
1734 on the premises of the nonprofit museum for which the nonprofit distiller license has been
1735 issued and shall not be removed from such premises except through disposal methods
1736 consistent with federal and state law and any applicable rules or regulations promulgated
1737 thereunder; and

1738 (5) The distilled spirits produced by the nonprofit museum shall only be used on the
1739 premises of the nonprofit museum for which the nonprofit distiller license has been
1740 issued and only to provide samples pursuant to subsection (c) of this Code section. Such
1741 distilled spirits shall not be sold or offered for sale by the nonprofit museum to any
1742 person or entity.

1743 ~~(c)~~(b) The nonprofit distiller license shall authorize the nonprofit museum to provide not
1744 more than one-half of one ounce as a complimentary sample of the distilled spirits
1745 produced at the nonprofit museum to a guest who has completed an educational tour of the
1746 distillery at the nonprofit museum and is of legal drinking age; provided, however, that the
1747 nonprofit museum shall not impose a separate charge for the sample and shall not provide,
1748 directly or indirectly, more than one sample to a guest in a calendar day. Such sample shall
1749 be provided in a designated tasting area on the premises of the nonprofit museum for which
1750 the nonprofit distiller license has been issued, and all open bottles shall be visible at all
1751 times.

1752 ~~(d)~~(c) No bond shall be required to be filed with the commissioner for the initial
1753 application or the annual renewal application of a nonprofit distiller license.

1754 ~~(e)~~(d) The annual license fee to be charged by a county or municipality for a nonprofit
1755 distiller license shall not be more than \$100.00 for each license."

1756 **SECTION 76.**

1757 Said title is further amended by revising Code Section 3-10-4, relating to limitation upon
1758 quantity of distilled spirits which may be possessed, as follows:

1759 "3-10-4.

1760 It is not unlawful for any person to have and possess, for use and not for sale, in any county
1761 or municipality within ~~the~~ this state, one standard case of 1.75 liter, liter, or 750 milliliter
1762 size containers of distilled spirits, but not more than eight individual containers of distilled
1763 spirits of a size of 200 milliliters or four individual containers of distilled spirits of a size
1764 of 500 milliliters, which may have been purchased by ~~the~~ such person for use and

1765 consumption from a lawful and authorized ~~retailer and properly stamped~~ retail package
 1766 liquor dealer."

1767 **SECTION 77.**

1768 Said title is further amended by revising Code Section 3-11-1, relating to definitions
 1769 applicable to sales off premises for catered functions, as follows:

1770 "3-11-1.

1771 As used in this chapter, the term:

1772 (1) 'Food caterer' means any person who prepares food for consumption off the premises.

1773 (2) 'Licensed alcoholic beverage caterer' means any ~~retail dealer who~~ retail wine-malt
 1774 beverage dealer or retail package liquor dealer that has been licensed pursuant to Article
 1775 2 of Chapter 4, Article 2 of Chapter 5, or Article 2 of Chapter 6 of under this title.

1776 (3) ~~'Person' means any individual, company, corporation, association, partnership, or~~
 1777 ~~other legal entity."~~

1778 **SECTION 78.**

1779 Said title is further amended by revising paragraph (2) of Code Section 3-13-1, relating to
 1780 definitions applicable to sales of alcoholic beverages by a Regional Economic Assistance
 1781 Project, as follows:

1782 "(2) 'Licensee' shall mean the developer, owner, or operator of the REAP or the
 1783 developer, owner, or operator of ~~or~~ any certified project or facility located in a REAP to
 1784 whom a state ~~retail consumption dealer~~ retail on premise liquor dealer license or a state
 1785 retail wine-malt beverage dealer license is issued."

1786 **SECTION 79.**

1787 Said title is further amended by revising Code Section 3-13-4, relating to rules and
 1788 regulations applicable to sales of alcoholic beverages by a Regional Economic Assistance
 1789 Project, as follows:

1790 "3-13-4.

1791 The commissioner may promulgate such ~~reasonable~~ rules and regulations as are necessary
 1792 and appropriate to regulate the issuance of state ~~retail consumption dealer~~ retail on premise
 1793 liquor dealer licenses or state retail wine-malt beverage dealer licenses to developers,
 1794 owners, or operators of a REAP and the developers, owners, or operators of any certified
 1795 project or facility located in a REAP and to enforce the provisions of this chapter."

1796 **SECTION 80.**

1797 Said title is further amended by revising Code Section 3-14-1, relating to commissioner's
1798 issuance of special event use permit and length of permit, as follows:

1799 "3-14-1.

1800 The commissioner may issue a special event use permit for the sale of alcoholic beverages
1801 for certain events which would otherwise require a ~~retailer or retail dealers~~ retail wine-malt
1802 beverage dealer or retail package liquor dealer license. The commissioner shall specify by
1803 rule or regulation the events that shall qualify for a special event use permit; provided,
1804 however, that estate sales, the sale of inventory authorized under a bankruptcy proceeding,
1805 and activities that are similar in nature shall so qualify. Such permit shall not be valid for
1806 more than ten days."

1807 **SECTION 81.**

1808 Code Section 51-1-40 of the Official Code of Georgia Annotated, relating to liability for acts
1809 of intoxicated persons, is amended by revising subsection (c) as follows:

1810 "(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a
1811 person not of legal drinking age is done willfully, knowingly, and unlawfully as provided
1812 in subsection (b) of this Code section, evidence that the person selling, furnishing, or
1813 serving alcoholic beverages had been furnished with and acted in reliance on proper
1814 identification as defined in ~~subsection (d)~~ of Code Section ~~3-3-23~~ 3-1-2 showing that the
1815 person to whom the alcoholic beverages were sold, furnished, or served was 21 years of
1816 age or older shall constitute rebuttable proof that the alcoholic beverages were not sold,
1817 furnished, or served willfully, knowingly, and unlawfully."

1818 **SECTION 82.**

1819 Code Section 52-7-8.3 of the Official Code of Georgia Annotated, relating to operation of
1820 watercraft, identification, and operation by minors, is amended by revising paragraph (3) of
1821 subsection (g) as follows:

1822 "(3) 'Proper identification' shall have the same meaning as in ~~subsection (d)~~ of Code
1823 Section ~~3-3-23~~ 3-1-2, ~~relating to furnishing of alcoholic beverages.~~"

1824 **SECTION 83.**

1825 All laws and parts of laws in conflict with this Act are repealed.